

TITLE 9

VEHICLES AND TRAFFIC

CHAPTER 9.04

DEFINITIONS

Chapters:

- 9.04 Definitions
- 9.08 Enforcement – Administration
- 9.12 Model Traffic Ordinance – Adoption by Reference
- 9.16 Local Speed Limits – One-Way Streets
- 9.18 Functional Arterial System
- 9.20 Local Traffic and Parking Regulations
- 9.21 Interfering with Traffic
- 9.24 Bicycles
- 9.28 Miscellaneous Regulations
- 9.30 Compression Brakes
- 9.32 Abandoned and Junked Motor Vehicles
- 9.34 Operation of Motorized Foot Scooters, Pocket Bikes and EPAMDs
- 9.38 Penalty for Violation
- 9.44 Commute Trip Reduction Plan and Program Requirements
- 9.48 Transportation Concurrency Standards and Impact Fees
- 9.50 Concurrency Management

Sections:

- 9.04.010 Definitions – Adoption by reference.
- 9.04.020 Definition of vehicle.

9.04.010 Definitions – Adoption by reference

The following definitional provisions of the Washington Model Traffic Ordinance, and all future amendments thereto, are adopted by reference:

RCW	46.90.100	46.90.103	46.90.106
	46.90.109	46.90.112	46.90.118
	46.90.121	46.90.124	46.90.127
	46.90.130	46.90.133	46.90.136
	46.90.142	46.90.145	46.90.148
	46.90.151	46.90.154	46.90.166
	46.90.169	46.90.172	46.90.178
	46.90.181	46.90.184	46.90.187
	46.90.190.		

(Ord. 1370 §1 (part), 1985)

9.04.020 Definition of vehicle

"Vehicle" includes every device designed to travel upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway and shall include, but not be limited to, automobiles, buses, motor-bikes, motor scooters, trucks, tractors, go-carts, golf carts, campers and trailers.

(Ord. 1502 §1, 1989)

Figures (located at back of this section)

Figure 1 Transporation Impact Fees

CHAPTER 9.08**ENFORCEMENT–ADMINISTRATION****Sections:**9.08.010 Adoption by reference

9.08.010 Adoption by reference

The following statutes relating to enforcement of motor vehicle laws, and all future amendments thereto, are adopted by reference:

RCW	46.30.020	46.30.040	46.64.010
	46.64.015	46.64.020	46.64.025
	46.64.030	46.64.040	46.64.048
	46.64.050	46.64.010	46.90.200
	46.90.205	46.90.210	46.90.215
	46.90.220	46.90.230	46.90.235
	46.90.240	46.90.245	46.90.255
	46.90.260	46.90.265	46.90.270
	46.90.275	46.90.335	46.90.340
	46.90.345	46.90.375	46.90.400
	46.90.403	46.90.640	46.90.650
	46.90.660	46.90.700	46.90.705
	46.61.688		

*(Ord. 1570 §1, 1990; Ord. 1419 §1, 1987;
Ord. 1370 §1 (part), 1985)*

CHAPTER 9.12**MODEL TRAFFIC ORDINANCE -
ADOPTION BY REFERENCE****Sections:**

9.12.010 Model traffic ordinance – adoption by reference

9.12.020 Sections not adopted

**9.12.010 Model traffic ordinance – adoption by
reference**

The "Washington Model Traffic Ordinance," WAC chapters 308-330, is hereby adopted by reference as the traffic ordinance of the City of Tukwila as if set forth in full. Also adopted by reference are Sections 4, 5, 6, 7, 10, 11, 12 and 23 of Chapter 275, Laws of 1994 and RCW 46.20.730 as amended by Section 23 of Chapter 275, Laws of 1994.

(Ord. 1709 §1, 1994)

9.12.020 Sections not adopted

The following sections of the MTO are not adopted by reference and are expressly deleted:

WAC 308-330-250	Police Department to administer bicycle licenses.
WAC 308-330-255	Police Department to regulate parking meters.
WAC 308-330-275	Traffic Safety Commission-powers and duties.
WAC 308-330-500	Bicycle license required.
WAC 308-330-505	Bicycle license application.
WAC 308-330-510	Issuance of bicycle license.
WAC 308-330-515	Attachment of bicycle license plate or decal.
WAC 308-330-520	Inspection of bicycles.
WAC 308-330-525	Renewal of bicycle licenses.
WAC 308-330-530	Bicycle transfer of ownership.
WAC 308-330-535	Bicycle rental agencies.
WAC 308-330-540	Bicycle dealers.
WAC 308-330-560	Bicycle penalties.
WAC 308-330-600	Parking meter spaces.
WAC 308-330-610	Parking meters – Deposit of coins and time limits.
WAC 308-330-620	Parking meters – Use of slugs prohibited.
WAC 308-330-630	Tampering with parking meter.
WAC 308-330-640	Parking meters – Rule of evidence.
WAC 308-330-650	Parking meters – Application of proceeds.
WAC 308-330-660	Service parking.

(Ord. 1709 §2, 1985)

CHAPTER 9.16
LOCAL SPEED LIMITS -
ONE-WAY STREETS

Sections:

- 9.16.010 Forty mph on portion of West Valley Hwy
- 9.16.020 Secondary State Highway No. 181
- 9.16.030 South 132nd Street
- 9.16.040 Maule Avenue
- 9.16.050 Interurban Avenue
- 9.16.060 South 124th Street, 42nd Avenue South, and 50th Place South
- 9.16.070 Thirty-five mph on portion of Tukwila International Boulevard

9.16.010 Forty mph on portion of West Valley Highway

A 40-mile-per-hour speed limit zone is established on the West Valley Highway in the general vicinity of Renton/Tukwila city limits, and then in a generally northerly direction for approximately eight-tenths of a mile, and then in a generally southerly direction to the intersection of West Valley Highway and South 180th Street.

(Ord. 1583 §1, 1990)

9.16.020 Secondary State Highway No. 181

A. A 50 mile-per-hour speed limit is established on Secondary State Highway No. 181 from the south limits of the City of Tukwila, which is State Highway Milepost No. 9.24, north to South 180th Street, which is State Highway Milepost No. 9.74.

B. A 50-mile-per-hour speed limit is established on Secondary State Highway No. 181 from the City limits of Tukwila at a point .24 miles south of the Chicago, Milwaukee, St. Paul and Pacific Railroad crossing which is State Highway Milepost No. 10.29, to a point .15 mile north of the Chicago, Milwaukee, St. Paul and Pacific Railroad crossing, which is State Highway Milepost No. 10.68.

C. A 40-mile-per-hour speed limit is established on Secondary State Highway No. 181 from State Highway Milepost No. 10.68 to State Highway Milepost No. 11.45.

(Ord. 1395 §1, 1986; Ord. 1370 §1 (part), 1985)

9.16.030 South 132nd Street

South 132nd Street shall be a one-way street, traffic moving from 48th South to South 133rd Street.

(Ord. 1370 §1 (part), 1985)

9.16.040 Maule Avenue

Maule Avenue shall be a one-way street, traffic moving from South 147th to South 143 Place.

(Ord. 1370 §1 (part), 1985)

9.16.050 Interurban Avenue

A 35-mile-per-hour speed limit is established on Interurban Avenue from State Highway Milepost No. 11.45 to the north City limits.

(Ord. 1395 §2, 1986)

9.16.060 South 124th Street, 42nd Avenue South, and 50th Place South

A 25-mph speed limit is established on certain collector arterials as follows:

1. South 124th Street from 42nd Avenue South to 50th Place South.
2. 42nd Avenue South from Interurban Avenue to South 115th Street.
3. 50th Place South from South 124th Street to the East City Limit.

(Ord. 1801 §1, 1997)

9.16.070 Thirty-five mph on portion of Tukwila International Boulevard

A 35 mile per hour speed limit zone is established for both directions of traffic on Tukwila International Boulevard between So. 139th Street and So. 152nd Street.

*(Ord. 2380 §1, 2012; Ord. 1875 §1, 1999;
Ord. 1866 §1, 1999)*

CHAPTER 9.18
FUNCTIONAL ARTERIAL SYSTEM

Sections:

- 9.18.010 Designation of principal arterials
- 9.18.020 Designation of minor arterials
- 9.18.030 Designation of collector arterials
- 9.18.040 Designation of conceptual arterials (future construction)

9.18.010 Designation of principal arterials

A. The primary function of principal arterials is to expedite through traffic between communities and traffic generated by major shopping centers, and serve travel between freeways and lesser classified arterials. Principal arterials are 50 or more feet wide with 80 or more feet of right-of-way. Principal arterial speed limits are normally set between 35 and 50 miles per hour. Principal arterial traffic volumes generally range between 10,000 and 50,000 per weekday.

B. The following streets will be classified as principal arterials:

1. Pacific Highway South between Boeing Access Road and south City limit;
2. East Marginal Way between Boeing Access Road and north City limit;
3. Boeing Access Road between East Marginal Way and Empire Way;
4. Empire Way South between I-5 and north City limit;
5. Interurban Ave. S. between I-5 and I-405;
6. West Valley Road between I-405 and south City limit;
7. Southcenter Boulevard and Grady Way between I-5 and east City limit;
8. 16th Avenue between the north and south City limit.

(Ord. 1616 §2, 1991)

9.18.020 Designation of minor arterials

A. The primary function of minor arterials is to serve intercommunity traffic traveling between neighborhoods, traveling between principal and collector arterials. Minor arterials serve smaller geographic areas than principal arterials. Minor arterial speed limits are usually 30 or 35 miles per hour. Traffic generators served by minor arterials include high schools, junior high schools, hospitals, community business centers, neighborhood shopping centers and athletic fields. Minor arterial traffic volumes range from 1,500 to 15,000 per weekday. Minor arterials are normally 44 feet wide with at least 60 feet of right-of-way.

B. The following streets will be classified as minor arterials:

1. Airport Way S. between Boeing Access Road and north City limit;
2. East Marginal Way S. and S. 133rd St. between Boeing Access Road and Interurban Ave S.;
3. Interurban Ave So. Between East Marginal Way S. and I-5;
4. S. 154th St. between I-5 and Pacific Highway S.;
5. Klickitat between SR 518 and Southcenter Parkway;
6. Southcenter Parkway and 57th Ave. S. between Tukwila Parkway and south City limit;
7. Tukwila Parkway between Southcenter Parkway and Southcenter Boulevard;
8. Strander Boulevard between Southcenter Parkway and West Valley Road;
9. Andover Park East between Tukwila Parkway and S. 180th St.;
10. Andover Park West between Tukwila Parkway and S. 180th St.;
11. S. 180th St. and S. 178th St. between West Valley Road and west City limit.

(Ord. 1616 §3, 1991)

9.18.030 Designation of collector arterials

A. The primary function of collector arterials is to serve traffic traveling between access streets and higher classification arterials and primarily serve local traffic of a neighborhood or commercial/industrial area. Collector arterials serve some through traffic and traffic within a local area, and provide access to abutting land with essentially unrestricted numbers of access points. Collector arterial generators include elementary schools, churches, clinics and small apartment areas. Collector arterial traffic volumes are generally less than 10,000 per day. Collector arterials are normally 36 to 40 feet wide with 60 feet of right-of-way. Collector arterials may have bus routes.

B. The following streets will be classified as collector arterials:

1. S. Norfolk St. between East Marginal Way and east City limit;
2. S. 112th St. between Pacific Highway S. and East Marginal Way S.;
3. S. 115th St. and 42nd Ave. S. between East Marginal Way and Interurban Ave. S.;
4. S. 124th St. and 50th Place S. between 42nd Ave. S. and east City limit;
5. Macadam Road S. between Interurban Ave. S. and S. 144th St.;
6. S. 144th St. between 58th Ave. S. and west City limit;

7. 65th Ave. S./S. 147th St./58th Ave. S. between Southcenter Boulevard and Interurban;
8. Macadam Road/53rd Ave. S./52nd Ave. S. between Southcenter Boulevard and Interurban;
9. S. 130th St. between Macadam Road S. and Pacific Highway;
10. 40th Ave. S. and 42nd Ave. S. between East Marginal Way and south City limit;
11. S. 160th St. and 53rd Ave. S. between Military Road and Klickitat;
12. S. 164th St. between Military Road and 51st Ave. S.;
13. 51st Ave. S. between S. 160th St. and south City limit;
14. Minkler Boulevard between Andover Park West and Andover Park East.

(Ord. 1616 §4, 1991)

9.18.040 Designation of conceptual arterials (future construction)

The following streets will be classified as conceptual arterials:

1. Minkler Boulevard between Andover Park East and Southcenter Parkway;
2. S. 168th St. between Southcenter Parkway and Andover Park West;
3. Tukwila Parkway extended between Andover Park East and east City limit;
4. Strander Boulevard extended between West Valley Road and east City limit;
5. S. Norfolk St. extended between East Marginal Way and SR 99;
6. Gateway Boulevard between Interurban Ave. S. and 50th Place So.

(Ord. 1616 §5, 1991)

CHAPTER 9.20
LOCAL TRAFFIC
AND PARKING REGULATIONS

Sections:

9.20.010	Alley – Driveway entrance
9.20.020	Municipal property
9.20.030	Parking for certain purposes prohibited
9.20.040	Parking on City streets and highways prohibited
9.20.050	Parking in restricted areas
9.20.060	Parking regulations
9.20.070	Unsafe parking
9.20.080	Controls–enforcement
9.20.090	Penalties

9.20.010 Alley – Driveway entrance

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than eight feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

(Ord. 1975 §1 (part), 2001)

9.20.020 Municipal property

A. *Generally* – No person shall stop, stand or park a vehicle in any garage, parking area or other property operated by the City, where signs prohibit or restrict such stopping, standing or parking without lawful authority or permission. Any motor vehicle so stopped, standing or parked on municipal property for a period of 24 hours or more without authority or permission is a nuisance. Such nuisance may be summarily abated by issuing a notice of infraction and/or by impounding the vehicle in the same manner as provided in TMC 9.20.090. The impounding of such a vehicle shall not prevent or preclude the institution and prosecution of charges in the Municipal Court or elsewhere for violation of this section.

B. *Municipal parks and trails* – No person shall stand, stop or park a vehicle in any park except in areas designated for such purposes. Any vehicle left in a parking stall designated for a municipal park for a period of time exceeding the maximum amount of time permitted as posted, or if a time limit is not posted, then for a period of time exceeding 24 hours, without lawful permission or authority shall be cited with a parking infraction by the Chief of Police or his designee and shall be subject to impound in the same manner as provided in TMC 9.20.090. Any vehicle left in a park, and not in a parking stall, shall be cited with a parking infraction by the Chief of Police or his designee and subject to immediate impounding in the same manner as provided in TMC 9.20.090.

(Ord. 1975 §1 (part), 2001)

9.20.030 Parking for certain purposes prohibited

No person shall park a vehicle upon any roadway for the principal purpose of:

1. Displaying such vehicle for sale or for advertising services for vehicles.
2. Greasing or repairing such vehicle except for repairs necessitated by emergency.

(Ord. 1975 §1 (part), 2001)

9.20.040 Parking on City streets and highways prohibited

No person shall stop, park, leave standing, or store any vehicle, whether attended or unattended, on any street or highway within the City for more than 72 hours. Such parking may be summarily abated by issuing a notice of infraction and/or by impounding the vehicle in the same manner as provided in TMC 9.20.090. Provided, however, that any such vehicle stopped, parked, stored or left unattended on any street or highway within the City without a valid registration plate will be subject to immediate issuance of a notice of infraction without regard to the length of time the vehicle has been stopped, parked, stored or left unattended. The impounding of such a vehicle shall not prevent or preclude the institution and prosecution of charges in the Municipal Court or elsewhere for violation of this section.

(Ord. 1975 §1 (part), 2001)

9.20.050 Parking in restricted areas

A. *Restricted Parking* – Any street with a sign denoting limited hours for parking shall be restricted for general street parking. The street or area shall be marked by a sign clearly indicating limited hours for parking. The police officer or his designee shall cite any vehicle left on a street for a time over the posted limit for parking, without lawful authority, with a parking infraction. A police officer is authorized to impound vehicles per TMC 9.20.090.

B. *Residential Parking Permits* – Residents who can prove their residence is on a street with limited parking hours can apply for a residential parking permit at Tukwila City Hall. Residents may park in one spot, including on a street with a sign denoting limited hours for parking, for no longer than 72 hours, and shall follow all other applicable laws for parking on City streets.

(Ord. 1975 §1 (part), 2001)

9.20.060 Parking regulations

A. Except where necessary to avoid conflict with other traffic, or in compliance with the law or the directions of a law enforcement officer, no person shall stop, stand or park a vehicle:

1. In front of a public or private driveway or within five feet of the end of the radius leading thereto.
2. In a place that restricts vehicular access to mailboxes.
3. In any place where official signs prohibit parking.
4. In such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular and emergency traffic.
5. When signs are erected giving notice thereof, on one or both sides of a street where parking is prohibited.
6. On cul-de-sacs when such action reduces the radius of the cul de sac to less than 35 feet.

B. It is unlawful for any person to alter or remove a mark placed upon a vehicle by a parking enforcement officer to monitor and enforce the parking time limits in this chapter when the alteration or removal is intended to extend the period of parking time authorized.

C. Reparking the vehicle in the same block to avoid a time limit regulation is a violation of this chapter.

D. Any vehicle in violation of this section shall be issued a citation and/or be impounded in the manner provided in TMC 9.20.090.

(Ord. 1975 §1 (part), 2001)

9.20.070 Unsafe parking

No person shall stop, park, leave standing, or store any vehicle, whether attended or unattended, on any street or highway within the City, where such vehicle obstructs visibility or sight distance in such a manner as to jeopardize public safety. Such parking may be summarily abated by issuing a notice of infraction and/or by impounding the vehicle in the same manner as provided in TMC Chapter 9.20. The impounding of such vehicle shall not prevent or preclude the institution and prosecution of charges in the Municipal Court or elsewhere for violation of this section.

(Ord. 1975 §1 (part), 2001)

9.20.080 Controls--enforcement

A. Th--Public Works Department is authorized to place and maintain traffic control devices, including signs indicating parking restrictions, as deemed necessary to regulate, warn, or guide traffic under any parking or travel on roadways, highways and intersections in the City.

B. For the purpose of issuing infractions under TMC Chapter 9.20, the Chief of Police may designate other individuals, including individuals not commissioned as police officers, to enforce Chapter 9.20 and to issue citations to violators as provided therein.

(Ord. 1975 §1 (part), 2001)

9.20.090 Penalties

A. Violations of the provisions of TMC Chapter 9.20 are civil infractions punishable by monetary penalties of not more than \$300 and/or impoundment.

B. Violators of TMC Chapter 9.20 are subject to immediate impound if a police officer deems it necessary to provide adequate access and otherwise enforce the safety of the roadways.

C. A police officer is authorized to remove and impound vehicles found in violation of TMC Chapter 9.20. An officer shall, as soon as practicable, give or cause to be given a written notice of the impound and removal to the registered or legal owner of such vehicle. The notice will include the reasons for the impound, and the place to which the vehicle was moved. In the event the impounded vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

D. Whenever an officer does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give notice to the owner, the owner shall have three days to claim their vehicle. After three days, a written report of such removal will be sent by mail to the Washington State Department of Licensing and a copy of that notice will be filed with the proprietor of any garage where the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

E. Any costs incurred in the removal and storage of an impounded vehicle shall be a lien upon the vehicle. All towing and storage charges on that impounded vehicle shall be paid by the owner or his agent if the vehicle is redeemed. Either a registered or legal owner may claim an impounded vehicle by payment of all charges that have accrued at the time of reclamation. If the vehicle was impounded at the direction of a law enforcement agency, the person in possession of the vehicle prior to the time of reclamation shall notify such agency of the fact that the vehicle has been claimed, and by whom.

F. The impounding of a vehicle shall not preclude charging the violator with any violation of the law on account of which such vehicle was impounded.

G. The storage, retention, and process for recovery of impounded vehicles shall be as directed in TMC Chapter 9.32.

(Ord. 1975 §1 (part), 2001)

CHAPTER 9.21 INTERFERING WITH TRAFFIC

Sections:

- 9.21.010 Purpose
- 9.21.020 Definitions
- 9.21.030 Interference with Traffic Prohibited
- 9.21.040 Penalty for Violation

9.21.010 Purpose

The purpose of this chapter is to provide for the free flow of pedestrian and vehicular traffic on streets and sidewalks in the City, to promote tourism and business, and to preserve the quality of urban life. Interference with traffic by pedestrians within the right-of-way is unsafe and should be restricted. By this legislation, the City Council intends to promote the health, safety, and welfare of the citizens of and visitors to the City of Tukwila.

(Ord. 2419 §2, 2013)

9.21.020 Definitions

For the purposes of this chapter, the following words and phrases shall have the meaning ascribed to them in this section:

1. "Interfere" means to hinder, obstruct, or slow.
2. "Right-of-way" means, without limitation, public streets, state routes and interstate highways (including, but not limited to, on and off ramps), sidewalks, alleys, shoulders, traffic islands, and driveways.

(Ord. 2419 §3, 2013)

9.21.030 Interference with traffic prohibited

It shall be unlawful for any person, while in the right-of-way, to take any action that interferes with the lawful flow of traffic.

(Ord. 2419 §4, 2013)

9.21.040 Penalty for violation

Violations of this chapter shall be punishable as follows:

1. The first violation of this chapter shall be punishable by a civil infraction in an amount not to exceed \$124.00.
2. The second violation of this chapter shall be punishable by a civil infraction in an amount not to exceed \$200.00.
3. The third and all subsequent violations of this chapter shall be punishable by a civil infraction in an amount not to exceed \$300.00.

(Ord. 2419 §5, 2013)

CHAPTER 9.24 BICYCLES

Sections:

- 9.24.010 Model ordinance - Adoption by reference

9.24.010 Model ordinance - Adoption by reference

The following provisions of the Washington Model Traffic Ordinance, and all future amendments thereto, are adopted by reference:

RCW	46.90.500	46.90.540	46.90.545
	46.90.550	46.90.555	46.90.560
	46.90.565.		

(Ord. 1370 §1 (part), 1985)

CHAPTER 9.28

MISCELLANEOUS REGULATIONS

Sections:

- 9.28.010 Railroad trains not to block streets
- 9.28.020 Commercial vehicles in residential areas
- 9.28.030 Inattentive driving
- 9.28.035 Negligent operation of skateboards and other devices prohibited
- 9.28.037 Electric Vehicle Parking
- 9.28.040 Penalty

9.28.010 Railroad trains not to block streets

It is unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching.

(Ord. 1794 §1 (part), 1997)

9.28.020 Commercial vehicles in residential areas

A. Definitions. For purposes of this section:

1. “Commercial vehicle” means:

a. Any vehicle 8 feet or larger in width, 20 feet or longer in length, or 9 feet or taller in height, the principal use of which is the transportation of commodities, merchandise, produce, freight or animals, or

b. Bulldozers, cranes and similar construction equipment;

2. *Residential area* means any district which is zoned LDR, MDR, or HDR by the City.

3. *Trailer* means any vehicle without motive power designed for carrying persons or property within or on itself, and drawn by a vehicle with motive power. The term “trailer” includes trailer coach, tractor-trailer, semi-trailer or utility trailer, but does not include recreational vehicles.

B. Conduct Prohibited. No person shall park a commercial vehicle or trailer in any residential area except as allowed in the following section.

C. Exemptions.

1. While loading or unloading, providing that the vision of traffic is not obstructed. Further, for purposes of this section, only a reasonable amount of time shall be allowed for loading and unloading, the amount of which time is to be determined according to the nature and extent of the loading and unloading operation.

2. When necessary to avoid conflict with other traffic, or in compliance with law or the direction of a peace officer or a traffic-control device.

3. In order to make non-recurring, emergency repairs.

4. Commercial vehicles are allowed to park in the private driveway of the owner of such vehicle, provided that

a. No more than one commercial vehicle is allowed to be parked.

b. Commercial vehicles shall not intrude into sidewalks, ped paths, or public rights of way, and shall not obstruct sight visibility from adjacent driveways.

c. Commercial vehicles shall be maintained in a clean, well-kept state which does not detract from the appearance of the surrounding area.

d. Commercial vehicles shall not be allowed in parking lots of apartments, condominiums, or other living arrangements other than a single-family home.

e. Trailers normally used as part of a tractor trailer combination shall not be allowed to park in residential zoned areas.

f. Commercial vehicles shall not be parked in residential areas except on the normal driveway of the vehicle operator's house.

5. Utility trucks owned by a public or quasi-public agency when the drivers are required by their employment to engage in public works or repairs.

6. Tukwila school district buses for a period of three hours during the days and hours when pupils are in school or during special events, if they do not obstruct traffic flow or block sight distance on the road or from driveways.

(Ord. 1810 §1, 1997; Ord. 1794 §1 (part), 1997)

9.28.030 Inattentive driving

It shall be an infraction for any person to operate a motor vehicle within the City in an inattentive manner. For the purposes of this section, “*inattentive manner*” means the operation of a motor vehicle in a manner which evidences a lack of the degree of attentiveness required to safely operate the vehicle under the prevailing conditions of the roadway, presence of other traffic, presence of pedestrians and weather conditions. The offense of operating a motor vehicle in an inattentive manner shall be considered to be a lesser offense than, but included in the offense of, operating a motor vehicle in a negligent manner.

(Ord. 1794 §1 (part), 1997)

9.28.035 Negligent operation of skateboards and other devices prohibited

It is unlawful for any person to rollerskate, rollerblade or operate a skateboard, coaster, toy vehicle or similar device in a negligent, or reckless manner on any roadway, sidewalk, publicly-owned parking lot or park. For the purpose of this section, “to operate in a negligent or reckless manner” means the rollerskating, rollerblading or operation of a skateboard, coaster, toy vehicle or similar device in such a manner as to threaten or endanger or be likely to threaten or endanger any persons or property.

(Ord. 1794 §1 (part), 1997)

9.28.037 Electric Vehicle Parking

The following regulations apply to enforcement of non-electric vehicles that park in electric vehicle charging station spaces and for electric vehicles parked out of compliance with posted days and hours of charging operation. These regulations are applicable for electric vehicle charging station spaces that are publicly accessible (e.g., on-street parking, municipal garages, park-and-ride lots, shopping centers etc.). Signage regulations for enforcement are included in Title 18, Chapter 18.56, Off-Street Parking and Loading Regulations.

1. Electric vehicle charging stations are reserved for parking and charging electric vehicles only.

2. Electric vehicles may be parked in any space designated for public parking subject to the restrictions that would apply to any other vehicle that would park in that space.

3. When a sign authorized under Tukwila Municipal Code Chapter 18.56 provides notice that a space is a designated electric vehicle charging station, no person shall park or stand any non-electric vehicle in a designated electric vehicle charging station space. Any non-electric vehicle is subject to fine or removal.

4. Any electric vehicle in a designated electric vehicle charging station space and not electrically charging, or parked beyond the days and hours designated on regulatory signs posted at or near the space, shall be subject to a fine and/or removal. For purposes of this subsection, "charging" means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

5. Upon adoption by the City of Tukwila, the City engineer shall cause appropriate signs and marking to be placed in and around electric vehicle charging station spaces, indicating prominently thereon the parking regulations. The signs shall define time limits and hours of operation, as applicable, shall state that the parking space is reserved for charging electric vehicles and that an electric vehicle may only park in the space for charging purposes. Violators are subject to a fine and/or removal of their vehicle.

6. Violations of this section shall be punishable as infractions. Punishment shall be by a fine not to exceed the fine prescribed in accordance with Tukwila Municipal Code Section 9.28.040. Each day such violation is committed shall constitute a separate offense and shall be punishable as such. Any commissioned police officer or Tukwila Police Department volunteer authorized by the Police Chief or other designated law official in the manner and subject to the requirements of TMC Section 9.20.090 is authorized to issue electric vehicle parking infractions.

7. In addition to a fine, a vehicle left parked or standing in violation of TMC Section 9.28.037, upon a publicly accessible electric vehicle charging space that is appropriately marked and posted, is subject to being removed from the charging space by any commissioned police officer or Tukwila Police Department volunteer authorized by the Police Chief or other designated law official in the manner and subject to the requirements of TMC Section 9.20.090.

(Ord. 2324 §11), 2011)

9.28.040 Penalty

Violation of any of the provisions of this chapter constitutes a civil infraction not to exceed \$200 per day per violation.

(Ord. 1794 §1 (part), 1997)

**CHAPTER 9.30
COMPRESSION BRAKES**

Sections:

- 9.30.010 Compression Brakes Prohibited
- 9.30.020 Signposting
- 9.30.030 Violation – Penalty

9.30.010 Compression Brakes Prohibited

A. No person shall use motor vehicle brakes, which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof.

B. The use of compression brakes applied in an emergency stopping situation, necessary for the protection of persons and/or property, shall not be deemed a violation of this chapter.

C. Emergency vehicles are not subject to the regulations of this chapter.

(Ord. 2041 §1 (part), 2004)

9.30.020 Signposting

The Public Works Department is authorized to post and maintain appropriate signage consistent with the provisions of this chapter.

(Ord. 2041 §1 (part), 2004)

9.30.030 Violation – Penalty

Violations of TMC Chapter 9.30 are civil infractions punishable by a penalty of not more than \$300.00.

(Ord. 2041 §1 (part), 2004)

**CHAPTER 9.32
ABANDONED AND JUNKED
MOTOR VEHICLES**

Sections:

- 9.32.010 Definitions
- 9.32.020 Authority to impound vehicles on the highway
- 9.32.030 Notices to owners required
- 9.32.060 Stolen and abandoned vehicles - Reports of notice-- Disposition
- 9.32.-70 Owner of record presumed liable for costs when vehicle abandoned - Exceptions
- 9.32.0-0 Owner or agent required to pay charges - Lien
- 9.32.090 Imp-ounding not to prevent prosecution
- 9.32.100 Contract with registered disposer to dispose of vehicles and hulks - Compliance requir-d
- 9.32.110 Unlawful to abandon junk motor vehicles
- 9.32.120 Abandoning vehicles unlawful
- 9.32.200 Penalties

9.32.010 Definitions

For the purposes of this chapter the following words shall have the following meanings:

1. *"Abandoned vehicle"* means any vehicle or automobile hulk left within the right-of-way of any highway or on the owner of such property for a period of 24 hours or longer; provided, that a vehicle or hulk shall not be considered abandoned if it is lawfully parked for a period not exceeding 72 hours; provided further, that a vehicle or hulk shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

2. *"Abandoned junk motor vehicle"* means any motor vehicle substantially meeting the following requirements:

a. Left on private property for more than 24 hours without the permission of the person having right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway for 24 hours or longer;

b. Extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, missing wheels, tires, motor or transmission;

c. Apparently inoperable;

d. Without a valid, current registration plate;

e. Having a fair market value equivalent to the scrap therein, only.

3. *"Automobile hulk"* means any portion or portions of a motor vehicle which is inoperative and cannot be made mechanically operative without additional vital parts and a substantial amount of labor.

4. *"Department"* means the Washington State Department of Licensing.

5. *"Director"* means the director of the Department of Licensing or his designee.

6. *"Police Chief"* means the Tukwila Police Chief or his designee.

(Ord. 1370 §1 (part), 1985)

9.32.020 Authority to impound vehicles on the highway

Members of the Police Department are authorized to remove and impound vehicles found on the highway, by means of towing or otherwise, to the nearest garage or other place of safety or to a garage designated or maintained by the Police Department or otherwise maintained by the City, under any of the following circumstances:

1. When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tunnel where such vehicle constitutes an obstruction to traffic;

2. When any vehicle upon a highway, including tunnels, bridges or approaches, is so disabled as to constitute an obstruction to traffic or when the person or persons in charge of the vehicle are incapacitated to such an extent as to be unable to provide for its custody or removal and there is no other person present who may properly act as agent for such operator in the care of his vehicle;

3. When any vehicle is left unattended upon a highway and is so parked illegally as to constitute a hazard or obstruction to the normal movement of traffic;

4. When any vehicle operating on a highway is found to be defective in equipment in such a manner that it may be considered unsafe;

5. When any vehicle is found in a tow-away zone;

6. When the operator of any vehicle is arrested and placed in custody and is not in condition to drive, and the vehicle is not in place of safety and there is no other person present who may properly act as agent for such operator to drive the vehicle to a place of safety;

7. When any abandoned vehicle or abandoned junk motor vehicle is found on a highway; and

8. When any vehicle is stopped, parked, stored, or left unattended on a City street or highway in violation of TMC 9.20.050.

(Ord. 1502 §3, 1989; Ord. 1370 §1 (part), 1985)

9.32.030 Notices to owners required

A. Prior to removal and impoundment of a vehicle, as authorized in TMC 9.32.020, an officer shall make a reasonable effort to ascertain the name and address of the owner of such vehicle and to notify said owner of the officer's intent to impound such vehicle unless the vehicle is immediately removed from its illegal location.

B. Whenever an officer removes and impounds a vehicle from a highway as authorized in TMC 9.32.020, he shall as soon as practicable give or cause notice to be given in writing to the owner of such vehicle, if any record exists of the registered or legal owner in the records of the authority last licensing such vehicle, of the fact of such removal and the reasons therefor, and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

C. Whenever an officer does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give notice to the owner as set forth above, and in event the vehicle is not returned to the owner within a period of three days, the officer shall immediately send or cause to be sent a written report of such removal by mail to the department and shall file a copy of such notice with the proprietor of any garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

(Ord. 1502 §4, 1989; Ord. 1370 §1 (part), 1985)

9.32.060 Stolen and abandoned vehicles - Reports of notice-- Disposition

A. It shall be the duty of the Chief of Police to report immediately to the chief of the Washington State Patrol all motor vehicles reported to him as stolen or recovered, upon forms to be provided by the chief of the Washington State Patrol.

B. In the event that any motor vehicle reported as stolen has been recovered, the person so reporting the same as stolen shall be guilty of a misdemeanor unless he shall report the recovery thereof to the Chief of Police to whom such motor vehicle was reported stolen.

C. It shall be the duty of the Chief of Police to report to the chief of the Washington State Patrol all vehicles or automobile hulks found abandoned on a highway or at any other place and the same shall at the direction of a law enforcement officer, be placed in the custody of a registered disposer.

(Ord. 1370 §1 (part), 1985).

9.32.070 Owner of record presumed liable for costs when vehicle abandoned - Exceptions

A. The abandonment of any vehicle or automobile hulk shall constitute a prima facie presumption that the last owner of record is responsible for such abandonment and thus liable for any costs incurred in removing, storing and disposing of any abandoned vehicle.

B. A registered owner transferring a vehicle shall be relieved from personal liability under this chapter if within five days of the transfer he transmits to the department a seller's report of sale on a form prescribed by the director.

(Ord. 1370 §1 (part), 1985)

9.32.080 Owner or agent required to pay charges – Lien

A. Any costs incurred in the removal and storage of an impounded vehicle shall be a lien upon the vehicle. All towing and storage charges on such vehicle impounded shall be paid by the owner or his agent if the vehicle is redeemed. In the case of abandoned vehicles, all costs of removal and storage shall be paid by the owner or his agent if the vehicle is redeemed, but if not redeemed, such costs shall be received from the proceeds of sale.

B. Either a registered or legal owner may claim an impounded vehicle by payment of all charges that have accrued to the time of reclamation. If the vehicle was impounded at the direction of a law enforcement agency, the person in possession of the vehicle prior to the time of reclamation shall notify such agency of the fact that the vehicle has been claimed, and by whom.

(Ord. 1370 §1 (part), 1985)

9.32.090 Impounding not to prevent prosecution

The impounding of a vehicle shall not preclude charging the violator with any violation of the law on account of which such vehicle was impounded.

(Ord. 1370 §1 (part), 1985)

9.32.100 Contract with registered disposer to dispose of vehicles and hulks – Compliance required

A. The City may contract with any tow truck operator who is engaged in removing and storing of vehicles and who is registered as a registered disposer of certain automobile hulks, abandoned junk motor vehicles and abandoned vehicles.

B. Any registered disposer under contract to the City for the removing and storing of vehicles or hulks shall comply with the administrative regulations relative to the handling and disposing of vehicles or hulks as may be promulgated by the Police Chief or the director.

(Ord. 1370 §1 (part), 1985)

9.32.110 Unlawful to abandon junk motor vehicles

A. No person shall willfully leave an automobile hulk and/or abandoned vehicle on private property for more than 24 hours without the permission of the person having the right to possession of the property, or upon or within the right-of-way of any highway or other property open to the public for purposes of vehicular travel or parking for 24 hours or longer without notification to the Chief of Police of the reasons for leaving the motor vehicle in such a place.

B. For the purposes of this section, the fact that a motor vehicle has been left without permission or notification is prima facie evidence of abandonment. Any person convicted of abandoning a junk motor vehicle shall be assessed any costs incurred by the City in disposing of such abandoned junk motor vehicle less any moneys accrued to the City from such disposal.

(Ord. 1370 §1 (part), 1985)

9.32.120 Abandoning vehicles unlawful

No person shall leave or permit a vehicle to remain on private property without the permission of the owner longer than 24 hours.

(Ord. 1370 §1 (part), 1985)

9.32.200 Penalties

Any violation of any provision, or failure to comply with any of the requirements of this chapter, shall be subject to the terms and conditions of Chapter 8.45 ("Enforcement").

(Ord. 1838 §6, 1998; Ord. 1370 §1 (part), 1985)

CHAPTER 9.34

OPERATION OF MOTORIZED FOOT SCOOTERS, POCKET BIKES AND EPAMDS

Sections:

9.34.010	Definitions
9.34.020	Pocket Bikes
9.34.030	Electric Personal Assistive Mobility Device (EPAMD)
9.34.040	Motorized Foot Scooters
9.34.050	Responsibility
9.34.060	Violation and Penalties

9.34.010 Definitions

For the purposes of TMC Chapter 9.34, the following definitions shall apply:

1. *"EPAMD"* is an electric, personal-assistive mobility device, which is a self-balancing device with two wheels not in tandem, designed to transport only one person by an electric propulsion system with an average power of 750 watts (one horsepower), having a maximum speed on a paved surface of less than 20 miles per hour (mph), when powered solely by such a propulsion system.

2. *"Motorized foot scooter"* means a device with no more than two 10-inch-or-smaller diameter wheels, that has handlebars, is designed to be stood or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion. A motor-driven cycle, a moped, an electric-assisted bicycle or a motorcycle is not a motorized foot scooter.

3. *"Pocket bike"* (also known as *miniature motorcycle, miniature chopper or sports racer*) is a low-profile motorized vehicle 30" or less in height, weighing under 125 pounds, with 10" or smaller wheels, either electric-powered or having an engine displacement of 49cc's or fewer.

(Ord. 2065 §1 (part), 2004)

9.34.020 Pocket Bikes

A. Pocket bikes are prohibited from operation on any street, road or byway publicly maintained and open to the public for vehicular travel in the City of Tukwila.

B. Pocket bikes may not be legally operated on sidewalks, bike lanes, trails or any place prohibiting the use of motorized vehicles.

C. This section applies to pocket bikes and any similar motor vehicle with a low profile but of a slightly different size.

(Ord. 2065 §1 (part), 2004)

9.34.030 Electric Personal Assistive Mobility Device (EPAMD)

A. EPAMDs may be operated on roads and road shoulders where the speed limits are 25 mph or less, and on

bicycle lanes, sidewalks and alleys. They are prohibited in City parks, and on multiple-use trails within the City.

B. A person operating an EPAMD shall obey all speed limits and shall yield the right-of-way to pedestrians and human-powered devices at all times. An operator must also give an audible signal before overtaking and passing a pedestrian. Persons operating an EPAMD have all the rights and duties of a pedestrian, though they must follow rules of the road when traveling on the roadway.

C. It is unlawful to operate an EPAMD in a negligent or unsafe manner. They shall be operated with reasonable regard for the safety of the operator and other persons. Examples of operating in a negligent manner include, but are not limited to, failure to obey all traffic control devices, or failure to yield right-of-way to pedestrians and/or vehicular traffic.

D. EPAMDs on roadways should ride as close as practicable to the right side of the road.

E. EPAMD operators should dismount their device on the right side of the road and cross the road at an intersection as a pedestrian would if making a left hand turn.

F. No EPAMD shall be operated between the times of sunset and sunrise, unless operated as a mobility assistant for a disabled occupant, in which case lights and reflectors must be properly installed per RCW 46.04.

G. No EPAMD shall be operated with any passengers in addition to the operator.

H. All operators of EPAMDs shall follow State law as found in RCW 46.61.710, detailing that they have the rights and duties of a pedestrian unless otherwise regulated in this section.

(Ord. 2065 §1 (part), 2004)

9.34.040 Motorized Foot Scooters

A. GENERAL REQUIREMENTS:

1. Except as otherwise prohibited in TMC Chapter 9.34, motor scooters may be operated on roads and road shoulders where the speed limits are 25 mph or less.

2. Every internal combustion engine-driven foot scooter shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.

3. The use of a cutout, bypass, or similar muffler elimination device is prohibited on any motorized foot scooter.

4. Motorized foot scooters shall be equipped with a kill (deadman's) switch, in such a manner that the drive motor is engaged through a switch, lever or other mechanism that, when released, will cause the drive motor to disengage or cease to function.

5. It is unlawful to operate on a public roadway or on public property with a motorized foot scooter that has had factory-installed brakes removed or altered to the extent that the braking device is ineffective. Brakes on motorized foot scooters must enable the operator to make the braked wheels skid on dry, level and clean pavement.

6. Handlebars on a motorized foot scooter must not exceed the shoulders of the operator.

7. Noise Restrictions:

a. Motorized foot scooters must comply with the provisions in TMC Chapter 8.22.110, "Public Disturbance Noises."

b. No motorized foot scooter shall emit frequent, repetitive or continuous sounding of any horn or siren, except as a warning of danger or as specifically permitted or required by law.

c. No motorized foot scooter shall be operated in such a manner that results in screeching or other sounds from scooter tires coming in contact with the ground or pavement because of rapid acceleration, braking or excessive speed around corners or because of such other reason not connected with avoiding danger.

B. *REQUIREMENTS FOR OPERATION:*

1. It is unlawful to operate a motorized foot scooter in a negligent or unsafe manner. They shall be operated with reasonable regard for the safety of the operator and other persons. Examples of operating in a negligent manner include, but are not limited to, failure to obey all traffic-control devices, or failure to yield right-of-way to pedestrians and/or vehicular traffic.

2. No motorized foot scooter shall be operated without the operator wearing a properly fitted and fastened helmet, that meets or exceeds safety standards adopted by Standard Z-90.4 set by the American National Standards Institute (ANSI).

3. No person operating a motorized foot scooter shall tow or pull another person behind such device. In the event that a person is pulled or towed behind a motorized foot scooter, the person operating the scooter and the person being towed or pulled are both in violation of TMC Chapter 9.34.

4. No person may operate a motorized foot scooter on a public byway unless such person is 16 years or older.

5. Any person operating a motorized foot scooter shall obey all rules of the road applicable to vehicle or pedestrian traffic, as well as the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

6. It shall be unlawful to operate a motorized foot scooter other than as close as practicable to the right-hand curb or right edge of the roadway.

7. When preparing for a left turn, the motorized foot scooter operator shall stop and dismount as close as practicable to the right-hand curb or right edge of the roadway and complete the turn by crossing the roadway on foot, subject to the restrictions placed on pedestrians in RCW Chapter 46.61.

8. No motorized foot scooter shall be operated with any passengers in addition to the operator.

9. No motorized foot scooter shall be operated between the times of sunset and sunrise.

10. Prohibited Areas. It is unlawful for any person to operate or ride upon a motorized foot scooter or similar device in any of the following areas:

a. Parks, including their sidewalks, parking lots, streets, paths, trails and similar travel ways.

b. Multi-use trails, including all City and regional recreational trails in the City.

c. Sidewalks within the City limits.

d. Parking lots of any municipal facility.

e. Roads with speeds over 25 mph.

C. *APPLICATION TO OTHER DEVICES:* The provisions of TMC Chapter 9.34 regarding motorized foot scooters apply to any device that:

1. Matches the definition of a motorized foot scooter, except for the number or size of the device's wheels; and

2. Cannot be defined as:

a. A vehicle legally registered by the Washington Department of Vehicle Licensing as a motorcycle or moped.

b. An electric-assisted bicycle.

(Ord. 2065 §1 (part), 2004)

9.34.050 Responsibility

No person shall perform any act forbidden by TMC Chapter 9.34 nor fail to perform any act required in TMC Chapter 9.34. It is unlawful for any parent, guardian or other person having control or custody of a minor child to allow said minor to operate a motorized foot scooter, pocket bike, or EPAMD in violation of TMC Chapter 9.34.

(Ord. 2065 §1 (part), 2004)

9.34.060 Violations and Penalties

A. The City of Tukwila Police Department personnel shall be responsible for enforcing the provisions of TMC Chapter 9.34.

B. Upon determining a violation of TMC Chapter 9.34 has occurred, law enforcement officers may, at their discretion, issue a civil infraction in the amounts specified in TMC 9.34.060.C to any person – including a parent or guardian – violating any of the provisions of TMC Chapter 9.34.

C. The following monetary penalties shall apply:

1. First offense = \$40.

2. Second offense = \$80.

3. Third and future offenses = \$250 each.

(Ord. 2065 §1 (part), 2004)

CHAPTER 9.38
PENALTY FOR VIOLATION

Sections:

- 9.38.010 Penalty designated
- 9.38.020 Certain penalties to be consistent with State law

9.38.010 Penalty designated

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this title shall be punished by a fine not to exceed \$5,000, or imprisonment in jail for a term not exceeding one year, or by both fine and imprisonment.

(Ord. 1370 §1 (part), 1985)

9.38.020 Certain penalties to be consistent with State law

All motor vehicle or traffic violations prohibited by this title, and which are described by State statutes adopted by reference in this title, are punishable as criminal offenses or as motor vehicle civil infractions in a manner consistent with Chapters 20, 61, 63 and 64 of Title 46 of the Revised Code of Washington, and other State statutes prescribing punishment or penalty.

(Ord. 1370 §1 (part), 1985)

CHAPTER 9.44
COMMUTE TRIP REDUCTION PLAN AND PROGRAM REQUIREMENTS

Sections:

- 9.44.010 Purpose
- 9.44.020 Definitions
- 9.44.030 CTR Goals
- 9.44.040 Responsible City Agencies
- 9.44.050 Applicability
- 9.44.060 Requirements for Employers
- 9.44.070 Record Keeping
- 9.44.080 Schedule and Process for CTR Reports
- 9.44.090 Enforcement
- 9.44.100 Exemptions and Goal Modifications
- 9.44.110 Appeals

9.44.010 Purpose

A. The purpose of TMC Chapter 9.44 is to improve air quality, reduce traffic congestion, and minimize energy consumption. These regulations are prepared to comply with RCW 70.94.521, by requiring employer-based programs that encourage employees to find alternatives to drive-alone commuting, with collaboration between the City of Tukwila and affected employers.

B. The Commute Trip Reduction Plan for the City of Tukwila, as required by RCW 70.94.527, is hereby adopted by reference hereto as it appears in Attachment A, or as hereto amended by ordinance of the City Council.

(Ord. 2201 §1 (part), 2008)

9.44.020 Definitions

For the purpose of this ordinance, the following definitions shall apply in the interpretation and enforcement of this ordinance:

1. *"Affected Employee"* means a full-time employee who begins his or her regular workday at a single worksite between 6:00 and 9:00AM (inclusive) on two or more weekdays for at least 12 continuous months. Seasonal, agricultural employees, including seasonal employees of processors of agricultural products, are excluded from the count of affected employees.

2. *"Affected Employer"* means an employer that employs 100 or more full-time employees at a single worksite who are scheduled to begin their regular workday between 6:00 and 9:00AM (inclusive) on two or more weekdays for at least 12 continuous months. Construction worksites, when the expected duration of the construction is less than two years, are excluded from this definition.

3. *"Alternative Mode"* means any means of commute transportation other than that in which the single-occupant motor vehicle is the dominant mode, including telecommuting and compressed work weeks, if they result in reducing commute trips.

4. *“Alternative Work Schedules”* means programs such as compressed work weeks that eliminate work trips for affected employees.

5. *“Base Year”* means the 12-month period that commences when a major employer is determined by the local jurisdiction to be participating within the local CTR program. The City of Tukwila uses this 12-month period as the basis upon which it develops local commute trip reduction goals.

6. *“Base Year Survey”* or *“Baseline Measurement”* means the survey, during the base year, of employees at a major employer worksite to determine the drive-alone rate and vehicle miles traveled per employee at the worksite. The jurisdiction uses this measurement to develop commute trip reduction goals for the major employer. The baseline measurement must be implemented in a manner that meets the requirements specified by the City of Tukwila.

7. *“Carpool”* means a motor vehicle, occupied by two to six people traveling together for their commute trip, resulting in the reduction of a minimum of one motor vehicle commute trip.

8. *“Commute Trips”* means trips made from a worker's home to a worksite (inclusive) on weekdays.

9. *“CTR Plan”* means the City of Tukwila's plan and ordinance to regulate and administer the CTR programs of affected employers within its jurisdiction.

10. *“CTR Program”* means an employer's strategies to reduce employees' drive-alone commutes and vehicle miles traveled (VMT) per employee.

11. *“Compressed Work Week”* means an alternative work schedule, in accordance with employer policy, that regularly allows a full-time employee to eliminate at least one work day every two weeks by working longer hours during the remaining days, resulting in fewer commute trips by the employee. This definition is primarily intended to include weekly and bi-weekly arrangements, the most typical being four 10-hour days or 80 hours in nine days, but may also include other arrangements.

12. *“Custom Bus/Buspool”* means a commuter bus service arranged specifically to transport employees to work.

13. *“Dominant Mode”* means the mode of travel used for the greatest distance of a commute trip.

14. *“Drive Alone”* means a motor vehicle occupied by one employee for commute purposes, including a motorcycle.

15. *“Drive-Alone Trips”* means commute trips made by affected employees in single occupant vehicles.

16. *“Employee”* means anyone who receives financial or other remuneration in exchange for work provided to an employer, including owners or partner of the employer.

17. *“Employee Transportation Coordinator (ETC)”* means a person who is designated as responsible for the development, implementation and monitoring of an employer's CTR program.

18. *“Employer”* means a sole proprietorship, partnership, corporation, unincorporated association,

cooperative, joint venture, agency, department, district, or other individual or entity, whether public, non-profit or private, that employs workers.

19. *“Exemption”* means a waiver from any or all CTR program requirements granted to an employer by a city, based on unique conditions that apply to the employer or employment site.

20. *“Flex-Time”* is an employer policy that provides work schedules allowing individual employees flexibility in choosing the start and end time, but not the number of their working hours.

21. *“Full-Time Employee”* means a person, other than an independent contractor, scheduled to be employed on a continuous basis for 52 weeks for an average of at least 35 hours per week.

22. *“Good Faith Effort”* means that an employer has met the minimum requirements identified in RCW 70.94.531 and this ordinance, and is working collaboratively with the City of Tukwila to continue its existing CTR program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed-upon length of time.

23. *“Implementation”* means active pursuit by an employer of the CTR goals of RCW 70.94.521-555 and this ordinance, as evidenced by appointment of an ETC, distribution of information to employees regarding alternatives to drive-alone commuting, and commencement of other measures according to its approved CTR program and schedule.

24. *“Major Employer”* means a private or public employer, including state agencies, that employs 100 or more full-time employees at a single worksite who begin their regular workday between 6:00 and 9:00 AM on weekdays for at least 12 continuous months during the year.

25. *“Major Employer Worksite”* or *“Affected Employer Worksite”* or *“Worksite”* means the physical location occupied by a major employer, as determined by the local jurisdiction.

26. *“Major Employment Installation”* means a military base or federal reservation, or other facilities as designated by the City of Tukwila, at which there are 100 or more full-time employees who begin their regular workday between 6:00 and 9:00 AM on weekdays for at least 12 continuous months during the year.

27. *“Mode”* is the means of transportation or alternate mode used by employees, such as single-occupant motor vehicle, rideshare vehicle (carpool, vanpool), transit, ferry, bicycle, walking, compressed work schedule and telecommuting.

28. *“Notice”* means written communication delivered via the United States Postal Service with receipt deemed accepted three days following the day on which the notice was deposited with the Postal Service, unless the third day falls on a weekend or legal holiday, in which case the notice is deemed accepted the day after the weekend or legal holiday.

29. *"Peak Period"* means the hours between 6:00 and 9:00 AM (inclusive), Monday through Friday, except legal holidays.

30. *"Peak Period Trip"* means any employee trip that delivers the employee to begin his or her regular workday between 6:00 and 9:00 AM (inclusive), Monday through Friday, except legal holidays.

31. *"Proportion of Drive-Alone Trips" or "Drive-Alone Rate"* means the number of commute trips over a set period made by affected employees in single-occupancy vehicles, divided by the number of potential trips taken by affected employees working during that period.

32. *"Ride Matching Service"* means a system that assists in matching commuters for the purpose of commuting together.

33. *"Telecommuting"* means the use of telephones, computers, or other similar technology to permit an employee to work from home, eliminating a commute trip, or to work from a work place closer to home, reducing the distance traveled in a commute trip by at least half.

34. *"Transit"* means a multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, passenger ferry, rail, shared-ride taxi, shuttle bus, or vanpool.

35. *"Transportation Demand Management (TDM)"* means a broad range of strategies that are primarily intended to reduce and reshape demand on the transportation system.

36. *"Transportation Management Association (TMA)"* means a group of employers or an association representing a group of employers in a defined geographic area. A TMA may represent employers within specific city limits or may have a sphere of influence that extends beyond city limits.

37. *"Urban Growth Area"* means the City of Tukwila in its entirety.

38. *"Vanpool"* means a vehicle occupied by 4 to 15 people traveling together for their commute trip, resulting in the reduction of a minimum of one motor vehicle trip.

39. *"Vehicle Miles Traveled (VMT) Per Employee"* means the sum of the individual vehicle commute trip lengths in miles made by employees over a set period, divided by the number of employees during that period.

40. *"Week"* means a seven-day calendar period starting on Monday and continuing through Sunday.

41. *"Weekday"* means any day of the week except Saturday or Sunday.

42. *"Writing," "Written" or "In Writing"* means original signed and dated documents. Facsimile (fax) transmissions are a temporary notice of action that must be followed by the original signed and dated document via mail or delivery.

(Ord. 2201 §1(part), 2008)

9.44.030 CTR Goals

A. Commute Trip Reduction Goals for the Urban Growth Area.

1. The City of Tukwila's goals for reductions in the proportions of drive-alone commute trips and vehicle miles traveled (VMT) per employee by affected employers in the City are hereby established by reference to the City of Tukwila's CTR plan. These goals establish the desired level of performance for the CTR program in its entirety in the City of Tukwila. Future adopted versions of the CTR plan may establish new goals for the urban growth area and affected employers. This ordinance is not required to be amended in order for the new adopted goals to take effect.

2. The City of Tukwila will set the individual worksite goals for affected employers based on how the worksite can contribute to the City's overall goal for its urban growth area.

B. Commute Trip Reduction Goals for the Urban Growth Area.

1. The drive-alone and VMT goals for affected employers in the City are hereby established as set forth in the CTR plan.

2. If the goals for an affected employer or newly-affected employer are not listed in the CTR plan, they shall be established by Tukwila at a level designed to achieve the goals for the urban growth area. The City shall provide written notification of the goals for each affected employer worksite by either incorporating the information into the results of the baseline measurement or subsequent survey measurements, or providing the information when the City reviews the employer's proposed CTR program.

3. Each affected employer is required to develop and implement a CTR program that is designed to meet the affected worksite's assigned CTR goals.

C. Recognition for Commute Trip Reduction Efforts. As public recognition for their efforts, affected employers who meet or exceed the CTR goals as set forth in Section 9.44.030.B will receive a Commute Trip Reduction Certificate of Leadership from the City.

(Ord. 2201 §1(part), 2008)

9.44.040 Responsible City Agencies

The Mayor of the City of Tukwila shall be responsible for implementing this ordinance, the CTR plan, and the City's CTR program, together with any authority necessary to carry out such responsibilities such as rule-making or certain administrative decisions.

(Ord. 2201 §1(part), 2008)

9.44.050 Applicability

A. Generally, the provisions of this ordinance shall apply to any affected employer within the corporate city limits of the City of Tukwila.

B. *Notification of Applicability.*

1. In addition to the City's established public notification for adoption of an ordinance, a notice of availability of a summary of this ordinance, a notice of the requirements and criteria for affected employers to comply with the ordinance, and subsequent revisions shall be published at least once in the newspaper of record of the City of Tukwila, not more than 30 days after passage of this ordinance or amendments.

2. Affected employers located in Tukwila are to receive written notification that they are subject to this ordinance. Such notice shall be addressed to the company's chief executive officer, senior official, or ETC at the worksite. Such notification shall provide 90 days for the affected employer to perform a baseline measurement consistent with the measurement requirements outlined by WAC 468-63-050 or as defined by the City of Tukwila CTR Coordinator.

3. Affected employers that, for whatever reason, do not receive notice within 30 days of passage of the ordinance and are either notified or identify themselves to the City within 90 days of the passage of the ordinance will be granted an extension of up to 90 days within which to perform a baseline measurement consistent with the measurement requirements specified by the City.

4. Affected employers that have not been identified or do not identify themselves within 90 days of the passage of the ordinance and do not perform a baseline measurement consistent with the measurement requirements specified by the City within 90 days from the passage of the ordinance are in violation of this ordinance.

5. If an affected employer has already performed a baseline measurement, or an alternative acceptable to the City under previous iterations of this ordinance, the employer is not required to perform another baseline measurement.

C. Newly-Affected Employers.

1. Employers meeting the definition of "affected employer" in this ordinance must identify themselves to the City within 90 days of either moving into the boundaries of Tukwila or growing in employment at a worksite to 100 or more affected employees. Employers who do not identify themselves within 90 days are in violation of this ordinance.

2. Newly-affected employers identified as such shall be given 90 days to perform a baseline measurement consistent with the measurement requirements specified by the City. Employers who do not perform a baseline measurement within 90 days of receiving written notification that they are subject to this ordinance are in violation of this ordinance.

3. Newly-affected employers identified as such will also be given 90 days to designate an ETC to work closely with the City's CTR Coordinator to develop, implement, and monitor strategies and processes to meet defined CTR goals for their specific job site. If for any reason the ETC is displaced from the position, a new Transportation Coordinator must be designated by the employer within 90 days. Employers who fail to designate an ETC within 90 days of being identified as an affected employer, or in the event of the absence of a current ETC position, are in violation of this ordinance.

4. Not more than 90 days after receiving written notification of the results of the baseline measurement, the newly-affected employer shall develop and submit a commute trip reduction program to the City of Tukwila. The program shall be implemented not more than 90 days after approval by the City. Employers who do not implement an approved commute trip reduction plan according to this schedule are in violation of this ordinance.

D. Change in Status as an Affected Employer. Any of the following changes in an employer's status will change the employer's TR program requirements:

1. If an employer initially designated as an affected employer no longer employs 100 or more affected employees and expects not to employ 100 or more affected employees for the next 12 months, that employer is no longer an affected employer. It is the responsibility of the employer to notify the City that it is no longer an affected employer.

2. If the same employer returns to the level of 100 or more affected employees within the same 12 months, that employer will be considered an affected employer for the entire 12 months and will be subject to the same program requirements as other affected employers.

3. If the same employer returns to the level of 100 or more affected employees 12 or more months after its change in status to an "unaffected" employer, that employer shall be treated as a newly-affected employer and will be subject to the same program requirements as other newly-affected employers.

(Ord. 2201 §1(part), 2008)

9.44.060 Requirements for Employers

A. Compliance Required. An affected employer is required to make a good faith effort, as defined in RCW 70.94.534(2) and this ordinance, to develop and implement a CTR program that will encourage its employees to reduce VMT per employee and drive-alone commute trips. The employer shall submit a description of its program to the City of Tukwila, and provide an annual progress report to the City on employee commuting and progress toward meeting the drive-alone reduction goals. The CTR program must include the mandatory elements as described in this section.

B. CTR Program Description Requirements.

1. The CTR program description presents the strategies to be undertaken by an employer to achieve the commute trip reduction goals for each goal year. Employers are encouraged to consider innovative strategies and combine program elements in a manner that will best suit their location, site characteristics, business type, and employees' commuting needs. Employers are further encouraged to cooperate with each other and to form or use transportation management associations in developing and implementing CTR programs.

2. At a minimum, the employer's CTR program description must include:

a. a general description of the employment site location, transportation characteristics, and surrounding services, including unique conditions experienced by the employer or its employees;

b. number of employees affected by the CTR program;

c. documentation of compliance with the mandatory CTR program elements (as described in this section);

d. description of the additional elements included in the CTR program (as described in this section); and

e. a schedule of implementation, assignment of responsibilities, and commitment to provide appropriate resources.

C. Mandatory Program Elements. Each employer's CTR program shall include the following mandatory elements:

1. **Employee Transportation Coordinator.** The employer shall designate an ETC to administer the CTR program. The ETC and/or designee's name, location, and telephone number must be displayed prominently at each affected worksite. The ETC shall oversee all elements of the employer's CTR program and act as liaison between the employer and the City of Tukwila. The objective is to have an effective Transportation Coordinator presence at each worksite; an affected employer with multiple sites may have one ETC for all sites. The Transportation Coordinator must complete the basic ETC training course as provided by King County within six months of assuming the status of designated transportation coordinator, in order to help ensure consistent knowledge and understanding of CTR laws, rules, and guidelines statewide.

2. **Information Distribution.** Information about alternatives to drive-alone commuting shall be provided to employees at least once a year. Each employer's program description and annual report must report the information to be distributed and the method of distribution. The information distributed shall be forwarded to the City's CTR Coordinator upon distribution to employees, to ensure a consistent marketing element in promoting the targeted and accomplished goals of the employer's CTR program.

3. **Regular Review.** The CTR program must include a regular review of employee commuting and progress and good-faith efforts toward meeting the drive-alone reduction goals. Affected employers shall file a regular progress report with the City of Tukwila in accordance with the format provided by the City. The report shall describe each of the CTR measures that were in effect for the previous year, the results of any commuter surveys undertaken during the year, and the number of employees participating in CTR programs. Within the report, the employer should evaluate the effectiveness of the CTR program and, if necessary, propose modifications to achieve the CTR goals. Survey information or approved alternative information must be provided in the reports.

4. **Biennial Measurement.** In addition to the baseline measurement, employers shall conduct a program evaluation as a means of determining worksite progress toward meeting CTR goals. As part of the program evaluation, the employer shall distribute and collect Commute Trip Reduction Program Employee Questionnaires (surveys) every two years, and strive to achieve at least a 70% response rate from employees at the worksite.

D. Additional Program Elements. In addition to the specific program elements described in this section, the employer's CTR program shall include additional elements as needed to meet CTR goals. Elements may include, but are not limited to, one or more of the following:

1. Provision of preferential parking or reduced parking charges, or both, for high-occupancy vehicles;

2. Instituting or increasing parking charges for drive-alone commuters;

3. Provision of commuter ride matching services to facilitate employee ride-sharing for commute trips;

4. Provision of subsidies for transit or vanpool fares and/or transit passes;

5. Provision of vans or buses for employee ridesharing;

6. Provision of subsidies for carpools or vanpools;

7. Provision of incentives for employees that do not drive alone to work;

8. Permitting the use of the employer's vehicles for carpooling or vanpooling;

9. Permitting flexible work schedules to facilitate employees' use of transit, carpools, or vanpools;

10. Cooperation with transportation providers to provide additional regular or express service to the worksite;

11. Construction of special loading and unloading facilities for transit, carpool, and vanpool users;

12. Provision of bicycle parking facilities, lockers, changing areas, and showers for employees who bicycle or walk to work;

13. Provision of a program of parking incentives such as a rebate for employees who do not use the parking facilities;

14. Establishment of a program to permit employees to work part-time or full-time at home or at an alternative worksite closer to their homes;

15. Establishment of a program of alternative work schedules, such as a compressed work week, which reduces commuting;

16. Implementation of other measures designed to facilitate the use of high-occupancy vehicles, such as on-site daycare facilities and emergency taxi services;

17. Charging employees for parking, and/or the elimination of free parking;

18. Intensive marketing campaigns through the distribution of informational newsletters, emails, brochures, or memos in a consistent manner.

(Ord. 2201 §1 (part), 2008)

9.44.070 Record Keeping

Affected employers shall include a list of the records they will keep as part of the CTR program as submitted to the City of Tukwila for approval. Employers will maintain all records listed in their CTR program for a minimum of 24 months. The City and the employer shall agree on the recordkeeping requirements as part of the accepted CTR program.

(Ord. 2201 §1 (part), 2008)

9.44.080 Schedule and Process for CTR Reports

A. *CTR Program.* Not more than 90 days after the adoption of this ordinance, or within three months after an employer qualifies under the provisions of this ordinance, the employer shall perform a baseline measurement consistent with the measurement requirements specified by the City of Tukwila. Not more than 90 days after receiving written notification of the results of the baseline measurement, the newly-affected employer shall develop and submit a commute trip reduction program to the City's CTR Coordinator. The program shall be implemented not more than 90 days after approval by the CTR Coordinator.

B. *Document Review.* The City of Tukwila shall provide the employer with written notification if a CTR program is deemed unacceptable. The notification must give cause for any rejection. If the employer receives no written notification of extension of the review period of its CTR program or comment on the CTR program or annual report within 90 days of submission, the employer's program or annual report is deemed accepted. The City may extend the review period up to an additional 90 days. The implementation date for the employer's TR program will be extended an equivalent number of days.

C. *CTR Annual Progress Reports.* Upon review of an employer's initial CTR program, the City of Tukwila shall establish the employer's annual reporting date, which shall not be less than 12 months from the day the program is submitted. Each year on the employer's reporting date, the employer shall submit to the City its annual CTR report.

D. *Modification of CTR Program Elements.* Any affected employer may submit a request to the City of Tukwila for modification of CTR requirements. Such request may be granted if one of the following conditions exist:

1. The employer can demonstrate it would be unable to comply with the CTR program elements for reasons beyond the control of the employer; or

2. The employer can demonstrate that compliance with the program elements would constitute an undue hardship.

E. *Extensions.* An employer may request additional time to submit a CTR program or CTR annual progress report or to implement or modify a program. Such requests shall be via written notice at least 30 days before the due date for which the extension is being requested. Extensions not to exceed 90 days shall be considered for reasonable causes. The City of Tukwila shall grant or deny the employer's extension request by written notice within ten working days of its receipt of the extension request. If there is no response issued to the employer, an extension is automatically granted for 30 days. Extensions shall not exempt an employer from any responsibility in meeting program goals. Extensions granted due to delays or difficulties with any program element(s) shall not be cause for discontinuing or failing to implement other program elements. An employer's annual reporting date shall not be adjusted permanently as a result of these extensions. An employer's annual reporting date may be extended at the discretion of the City.

F. *Implementation of Employer's TR Program.* Unless extensions are granted, the employer shall implement its approved CTR program, including approved program modifications, not more than 90 days after receiving written notice from the City of Tukwila that the program has been approved.

(Ord. 2201 §1 (part), 2008)

9.44.090 Enforcement

A. *Compliance.* For purposes of this section, compliance shall mean fully implementing in good faith all provisions in an approved CTR program.

B. *Program Modification Criteria.* The following criteria for achieving goals for VMT per employee and proportion of drive-alone trips shall be applied in determining requirements for employer CTR program modifications:

1. If an employer meets either or both goals, the employer has satisfied the objectives of the CTR plan and will not be required to modify its CTR program.

2. If an employer makes a good faith effort, as defined in RCW 70.94.534(2) and this ordinance, but has not met or is not likely to meet the applicable drive-alone or VMT goal, the City/County shall work collaboratively with the employer to make modifications to its CTR program. After agreeing on modifications, the employer shall submit a revised CTR program description to the City/County for approval within 30 days of reaching agreement.

3. If an employer fails to make a good faith effort as defined in RCW 70.94.534(2) and this ordinance, and fails to meet the applicable drive-alone or VMT reduction goal, the City of Tukwila shall work collaboratively with the employer to identify modifications to the CTR program, and shall direct the employer to revise its program within 30 days to incorporate the modifications. In response to the recommended modifications, the employer shall submit a revised CTR program description, including the requested modifications or equivalent measures, within 30 days of receiving written notice to revise its program. The City shall review the revisions and notify the employer of acceptance or rejection of the revised program. If a revised program is not accepted, the City will send written notice to that effect to the employer within 30 days and, if necessary, require the employer to attend a conference with program review staff for the purpose of reaching a consensus on the required program. A final decision on the required program will be issued in writing by the City within ten working days of the conference.

C. *Violations.* The following constitute violations if the deadlines established in this ordinance are not met:

1. Failure to perform a baseline measurement, including:

a. Employers notified or that have identified themselves to the City of Tukwila within 90 days of the ordinance being adopted and that do not perform a baseline measurement consistent with the requirements specified by the City within 90 days from the notification or self-identification.

b. Employers not identified or self-identified within 90 days of the ordinance being adopted and that do not perform a baseline measurement consistent with the requirements specified by the City within 90 days from the adoption of the ordinance.

2. Failure to develop and/or submit on time a complete CTR program.

3. Failure to implement an approved CTR program, unless the program elements that are carried out can be shown through quantifiable evidence to meet or exceed VMT and drive-alone goals as specified in this ordinance.

4. Failure to designate an ETC within 90 days from notification or self-identification, to implement and carry out the approved CTR program elements.

5. Failure to make a good faith effort, as defined in RCW 70.94.534 and this ordinance.

6. Failure to revise a CTR program as defined in RCW 70.94.534(4) and this ordinance.

D. *Penalties.*

1. No affected employer with an approved CTR program, which has made a good faith effort, may be held liable for failure to reach the applicable drive-alone or VMT goal.

2. Any violation of any provision, or failure to comply with any of the requirements of this chapter, shall be subject to the terms and conditions of Chapter 8.45.

3. An affected employer shall not be liable for civil penalties if failure to implement an element of a CTR program was the result of an inability to reach agreement with a certified collective bargaining agent under applicable laws where the issue was raised by the employer and pursued in good faith. Unionized employers shall be presumed to act in good faith compliance if they:

a. Propose to a recognized union any provision of the employer's CTR program that is subject to bargaining as defined by the National Labor Relations Act; and

b. Advise the union of the existence of the statute and the mandates of the CTR program approved by the City of Tukwila, and advise the union that the proposal being made is necessary for compliance with State law (RCW 70.94.531).

(Ord. 2201 §1 (part), 2008)

9.44.100 Exemptions and Goal Modifications

A. *Worksite Exemptions.* An affected employer may request the City of Tukwila to grant an exemption from all CTR program requirements or penalties for a particular worksite. The employer must demonstrate that it would experience undue hardship in complying with the requirements of the ordinance as a result of the characteristics of its business, its work force, or its location(s). An exemption may be granted if, and only if, the affected employer demonstrates that it faces extraordinary circumstances, such as bankruptcy, and is unable to implement any measures that could reduce the proportion of drive-alone trips and VMT per employee. The City shall issue a decision regarding an exemption no more than 30 days from receiving a written request from the employer for such status. The notice should clearly explain the conditions for which the affected employer is seeking an exemption from the requirements of the CTR program. Appeals to these decisions are addressed in Section 9.44.110, "Appeals," of this ordinance. The City shall review annually all employers receiving exemptions, and shall determine whether the exemption will be in effect during the following program year.

B. *Employee Exemptions.* Specific employees or groups of employees who are required to drive alone to work as a condition of employment may be exempted from a worksite's CTR program. Exemptions may also be granted for employees who work variable shifts throughout the year and who do not rotate as a group to identical shifts. The City of Tukwila will use the criteria identified in the State CTR Board Guidelines outlined in RCW 70.94.521 to assess the validity of employee exemption requests. All employee exemption requests received by September 30 of each year shall be administratively reviewed by December 31 of the same year, and shall determine whether the exemption will be in effect during the following program year.

C. *Modification of CTR Program Goals.*

1. An affected employer may request that the City of Tukwila modify its CTR program goals. Such requests shall be filed in writing at least 60 days prior to the date the worksite is required to submit its program description or annual report. The goal modification request must clearly explain why the worksite is unable to achieve the applicable goal. The worksite must also demonstrate that it has implemented all of the elements contained in its approved CTR program.

2. The City of Tukwila will review and grant or deny requests for goal modifications in accordance with procedures and criteria identified in the CTR Board Guidelines.

3. An employer may not request a modification of the applicable goals until one year after the City's approval of its initial program description or annual report.

(Ord. 2201 §1 (part), 2008)

9.44.110 Appeals

A. Any affected employer may appeal administrative decisions made by the City regarding exemptions, modification of goals, CTR program elements. Appeals must arrive, by registered mail, within 14 calendar days following an administrative decision from the City. An appeal must be made in writing and specify the decision being appealed, as well as the specific basis for the appeal.

B. The City's Hearing Examiner shall hear timely appeals. Determinations made in the review of such appeals shall be based on consistency with State statutes RCW 70.94.521-551.

(Ord. 2201 §1 (part), 2008)

CHAPTER 9.48**CONCURRENCY STANDARDS AND
TRANSPORTATION IMPACT FEES****Sections:**

9.48.010	Authority and Purpose
9.48.020	Definitions
9.48.030	Imposition of Transportation Impact Fees
9.48.040	Calculation of Impact Fees
9.48.050	Credit
9.48.060	Time of Payment of Impact Fees
9.48.070	Adjustments
9.48.080	Establishment of Impact Fee Account
9.48.090	Use of Impact Fees
9.48.100	Plan and Fee Update
9.48.110	Refunds
9.48.120	Appeals
9.48.150	Authority Unimpaired
9.48.160	Relationship to SEPA

9.48.010 Authority and Purpose

A. Authority. The City of Tukwila's impact fee financing program has been developed pursuant to the City of Tukwila's police powers, the Growth Management Act as codified in Chapter 36.70A of the Revised Code of Washington (RCW), the enabling authority in RCW Chapter 82.02, RCW Chapter 58.17 relating to platting and subdivisions and the State Environmental Policy Act (SEPA), and RCW Chapter 42.12C.

B. Purpose. The purpose of the financing plan is to:

1. Develop a program consistent with Tukwila's Comprehensive Plan, the Six- Year Transportation Program and the Capital Improvement Program, for joint public and private financing of transportation improvements necessitated in whole or in part by development within the City of Tukwila;

2. Ensure adequate levels of transportation and traffic service consistent with the level of service identified in the Comprehensive Plan;

3. Create a mechanism to charge and collect fees to ensure that new development bears its proportionate share of the capital costs of transportation facilities necessitated by new development; and

4. Ensure fair collection and administration of such transportation impact fees.

C. The provisions of the City of Tukwila's impact fee ordinance shall be liberally construed to effectively carry out its purpose in the interests of the public health, safety and welfare.

(Ord. 2111 §1 (part), 2005)

9.48.020 Definitions

The words and terms contained in this chapter shall have the following meanings for the purposes of this chapter, unless the context clearly requires otherwise. Terms or words not defined herein shall be defined pursuant to RCW 82.02.090 when given their usual and customary meaning.

1. The "*Act*" means the Growth Management Act, Chapter 17, Laws of 1990, First Extraordinary Session, Chapter 36.70A RCW et seq., and Chapter 32, Laws of 1991, First Special Session, as now in existence or hereinafter amended.

2. "*Building permit*" means an official document or certification of the City of Tukwila issued by the City's building official which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, placement, demolition, moving, or repair of a building or structure.

3. "*City*" means the City of Tukwila, Washington.

4. "*Development*" means the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure that requires a building permit.

5. "*Development activity*" means any construction of a building or structure that creates additional demand and need for transportation facilities.

6. "*Development approval*" means any written authorization from the City, which authorizes the commencement of the "development activity."

7. "*Letter encumbered*" means to reserve, set aside, or earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for the provision of transportation facilities.

8. "*Fee payer*" is a person, corporation, partnership, an incorporated association or governmental agency, municipality, or similar entity commencing a land development activity, which requires a building permit and creates a demand for additional facilities.

9. "*Impact fee*" means the payment of money imposed by the City on development activity pursuant to this chapter as a condition of granting development approval, in order to pay for the transportation facilities needed to serve new growth and development that is a proportionate share of the cost of the capital facilities that is used for facilities that reasonably benefit new development. Impact fees are independent of a permit fee, an application fee, a concurrency test fee, and the administrative fee for collecting and handling impact fees or cost of reviewing independent fee calculations.

10. "*Owner*" means the owner of record of real property, as found in the records of King County, Washington, or a person with an unrestricted written option to purchase property; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the property.

11. "*Proportionate fair share*" means that portion of the cost for transportation facility improvements that are reasonably related to the service demands and needs of new development.

(Ord. 2305 §1, 2010; Ord. 2111 §1 (part), 2005)

9.48.030 Imposition of Transportation Impact Fees

A. The City hereby authorizes the assessment and collection of impact fees on development activity at the rates set forth in Figure 9-1.

B. Transportation impact fees imposed by this chapter:

1. Shall only be imposed for system improvements that are reasonably related to the new development;

2. Shall not exceed the proportionate fair share of the costs of system improvements that are reasonably related to the new development;

3. Shall be used for the system improvements that will reasonably benefit new development;

4. May be collected and spent only for system improvements, which are provided for in the transportation element of the Capital Improvement Plan and Comprehensive Land Use Plan;

5. Shall not be used to correct existing transportation system deficiencies as of the date of adoption of this chapter; and

6. Shall be collected only once for each development, unless changes or modifications to the development are proposed which result in greater direct impacts on transportation facilities than were considered when the development was first approved.

(Ord. 2156 §1, 2007; Ord. 2111 §1 (part), 2005)

9.48.040 Calculation of Impact Fees

A. The method of calculating the transportation impact fees in this chapter incorporate, among other things, the following:

1. The cost of public streets and roads necessitated by new development.

2. An adjustment to the costs of the public streets and roadways for past or future mitigation payments made by previous development to pay for a particular system improvement that was prorated to the particular street improvement.

3. The availability of other means of funding public street and roadway improvements.

4. The methods by which public street and roadway improvements were financed.

B. Fees for development shall be calculated based on their net new "p.m. peak hour" trip generation rates as determined by the Public Works Director, or designee, applying the ITE Trip Generation Manual. If the proposed development activity concerns an existing use, the fee shall be based on net new trips generated by the redevelopment.

(Ord. 2305 §2, 2010; Ord. 2111 §1 (part), 2005)

9.48.050 Credit

A credit, not to exceed the impact fee otherwise payable, shall be provided for the fair market value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in the Capital Improvement Program and that are required as a condition of approving the development activity. The determination of "value" shall be consistent with the assumptions and methodology used by the City in estimating the capital improvement costs.

(Ord. 2111 §1 (part), 2005)

9.48.060 Time of Payment of Impact Fees

A. The impact fees imposed pursuant to this chapter shall be assessed by the City at the time of the application for the development permit, and shall be due and payable in full at the time of issuance of such permit. The fee paid shall be the amount in effect as of the date of the permit issuance..

B. Impact fees may be paid under protest in order to obtain a permit or other approval of development activity.

(Ord. 2305 §3, 2010; Ord. 2111 §1 (part), 2005)

9.48.070 Adjustments

A. The amount of fee to be imposed on a particular development may be adjusted by the Public Works Director, giving consideration to studies and other data submitted by the developer demonstrating by clear and convincing evidence that an adjustment should be made in order to carry out the purposes of this chapter.

B. The Public Works Director shall review the study to determine if the adjustment request:

1. Is based on accepted impact fee assessment practices and methodologies;
2. Uses acceptable data sources and if the data used is comparable with the uses and intensities planned for the proposed development activity;
3. Complies with the applicable State laws governing impact fees;
4. Is prepared and documented by professionals who are mutually agreeable to the City and the developer and are qualified in their respective fields; and
5. Shows the basis upon which the independent fee calculation was made.

C. In reviewing the study, the Public Works Director may require the developer to submit additional or different documentation. If the Public Works Director agrees with the study's findings, an adjustment to the impact fee will be made. If a compelling case has not been made, the developer shall pay the full impact fee amount.

D. A developer requesting an adjustment or independent fee calculation may pay the impact fees imposed by this chapter to obtain a building permit while the City determines whether to partially reimburse the developer by making an adjustment or accepting the independent fee calculation.

(Ord. 2111 §1 (part), 2005)

9.48.080 Establishment of Impact Fee Account

Impact fees received pursuant to this chapter shall be earmarked and retained in special interest-bearing accounts. All interest shall be retained in the account and expended for the purpose or purposes for which the impact fees were collected.

(Ord. 2111 §1 (part), 2005)

9.48.090 Use of Impact Fees

A. Pursuant to this chapter, impact fees shall be used for facilities that will reasonably benefit the City and its residents.

B. Fees shall not be used to make up deficiencies in City facilities serving an existing development.

C. Fees shall not be used for maintenance and operations, including personnel.

D. Traffic impact fees shall be used for but not limited to land acquisition, site improvements, engineering and architectural services, permitting, financing, administrative expenses and applicable mitigation costs, and capital equipment pertaining to transportation systems and facilities.

E. Traffic impact fees may also be used to recoup public improvement costs incurred by the City to the extent that new growth and development will be served by the previously constructed improvement.

F. In the event bonds or similar debt instruments are or have been issued for system improvements, impact fees may be used to pay the principal on such bonds.

G. Transportation impact fees shall be expended or letter encumbered for a permissible use within six years of receipt, unless there exists an extraordinary or compelling reason for fees to be held longer than six years. The Public Works Director may recommend to the Council that the City hold fees beyond six years in cases where extraordinary or compelling reasons exist. Such reasons shall be identified in written findings by the Council.

H. The Finance Director shall prepare an annual report on the transportation impact fee account showing the source and amount of all moneys collected, earned or received and projects that were financed in whole or in part by transportation impact fees.

(Ord. 2111 §1 (part), 2005)

9.48.100 Plan and Fee Update

The impact fee may be updated annually to evaluate the consistency of development density assumptions, estimated project costs and adjusted for awarded grant funding, if any. Updates that result in a change in impact fees will be reviewed by the City Council. Impact fee changes will only occur through an ordinance requiring Council action.

(Ord. 2111 §1 (part), 2005)

9.48.110 Refunds

A. A developer may request and shall receive a refund when the developer does not proceed with the development activity for which transportation impact fees were paid, and the developer shows that no impact has resulted.

B. The developer must submit a request for a refund to the City in writing within one year of the date the right to claim the refund arises. Any transportation impact fees that are not expended or encumbered within the time limitations established, and for which no application for a refund has been made within this one-year period, shall be retained and expended on any project identified in the Capital Improvement Plan.

C. In the event that transportation impact fees must be refunded for any reason, they shall be refunded with interest earned to the applicant.

(Ord. 2111 §1 (part), 2005)

9.48.120 Appeals

A. Any fee payer may pay the impact fees imposed by this chapter under protest in order to obtain a building permit.

B. Appeals regarding traffic impact fees imposed on any development activity may only be taken by the fee payer of the property where such development activity will occur. No appeal shall be permitted unless and until the impact fee at issue has been paid.

C. Determinations of the Public Works Director or his designee, with respect to the applicability of traffic impact fees to a given development activity, or the availability of a credit, can be appealed to the City's Hearing Examiner. Such appeal shall be a closed record appeal.

D. An appeal shall be taken within 10 working days of payment of the impact fees under protest or within 10 working days of the City's issuance of a written determination of a credit or exemption decision by filing with the City Clerk a notice of appeal with an accompanying appeal fee, as set forth in the existing fee schedule for land use decisions.

E. Notices of appeal shall contain the following information:

1. The name of the appealing party;
2. The address and phone number of the appealing party; and

3. A statement identifying the decision being appealed and the alleged errors in that decision. The notice of appeal shall state specific errors of fact or errors in the application of the law to the facts presented and shall also state the relief sought. The scope of the appeal shall be limited to issues raised in the notice of appeal.

(Ord 2305 §4, 2010; Ord. 2111 §1 (part), 2005)

9.48.150 Authority Unimpaired

Nothing in this chapter shall preclude the City from requiring the fee payer to mitigate adverse and environmental effects of a specific development pursuant to the State Environmental Policy Act, Chapters 43.21C RCW and/or Chapter 58.17 RCW, governing plats and subdivisions; provided, that the exercise of this authority is consistent with Chapters 43.21C and 82.02 RCW.

(Ord 2305 §7, 2010; Ord. 2111 §1 (part), 2005)

9.48.160 Relationship to SEPA

A. All development shall be subject to environmental review pursuant to SEPA and other applicable City ordinances and regulations.

B. Payment of the impact fee pursuant to this chapter shall constitute satisfactory mitigation of those traffic impacts related to the specific improvements identified on the project list.

C. Further mitigation in addition to the impact fee shall be required for identified adverse impacts, appropriate for mitigation pursuant to SEPA, that are not mitigated by an impact fee.

D. Nothing in this chapter shall be construed to limit the City's authority to deny development permits when a proposal would result in significant adverse traffic impacts identified in an environmental impact statement and reasonable mitigation measures are insufficient to mitigate the identified impact.

(Ord 2305 §8, 2010; Ord. 2111 §1 (part), 2005)

CHAPTER 9.50

CONCURRENCY MANAGEMENT

Sections:

9.50.010	Purpose
9.50.020	Definitions
9.50.030	Concurrency Test
9.50.040	Test Criteria
9.50.050	Concurrency for Phased Development
9.50.060	Public Notice of Concurrency Test
9.50.070	Exemptions
9.50.080	Vesting
9.50.090	Improvements to Concurrency Facilities
9.50.100	Capital Facilities Plan and Capital Improvement Program
9.50.110	Intergovernmental Coordination
9.50.120	Administrative Rules and Procedures
9.50.130	Appeals
9.50.140	SEPA Exemption

9.50.010 Purpose

A. Pursuant to the State Growth Management Act, RCW 36.70A, after the adoption of its Comprehensive Plan, the City of Tukwila is required by RCW 36.70A.070(6)I to ensure that transportation improvements or strategies to accommodate the impacts of development are provided concurrent with the development. Further, the City is bound by the planning goals of RCW 36.70A.020 to ensure that public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards, hereinafter "concurrency."

B. The intent of this chapter is to establish a concurrency management system to ensure that concurrency facilities and services needed to maintain minimum level of service standards can be provided simultaneous to, or within a reasonable time after, development occupancy or use. Concurrency facilities adopted by the City's Comprehensive Plan are roads, potable water, sanitary sewer, and storm water management. This chapter furthers the goals, policies and implementation strategies and objectives of the Comprehensive Plan.

C. The concurrency management system provides the necessary regulatory mechanism for evaluating requests for development to ensure that adequate concurrency facilities can be provided within a reasonable time of the development impact. The concurrency management system also provides a framework for determining facilities and services needs and provides a basis for meeting those needs through capital facilities planning.

D. For water, sewer, and surface water, the facilities must be in place at the time of development impact; and for

roads, the facilities must be in place within six years of the time of the development impact. Applicants with developments that would cause the level of service on concurrency facilities to decline below City standards can have their developments approved by implementing measures that offset their impacts and would maintain the City's standard for level of service.

(Ord. 2110 §1, 2005)

9.50.020 Definitions

The definitions contained in TMC 9.50.020 apply throughout this chapter unless, from the context, another meaning is clearly intended.

1. "*Adequate*" means equal to or better than the level of service standards specified in the current adopted capital facilities element.

2. "*Applicant*" means a person who applies for any certificate of concurrency under this chapter and who is the owner of the subject property or the authorized agent of the property.

3. "*Available water, sewer, and surface water capacity*" means there is adequate capacity, based on adopted level of service standards, for water, sewer, and surface water facilities currently existing without requiring facility construction, expansion, or modification.

4. "*Building permit*" refers to any permit issued under the Uniform Building Code.

5. "*Certificate of concurrency*" means the statement accompanying the Public Works Department's development standards that are issued with an approved development permit or the Public Works Department's conditions of approval that are issued with an approved building permit. The statement shall state that a certificate of concurrency is issued and indicate:

a. For water, sewer, and surface water, the capacity of the concurrency facilities that are available and reserved for the specific uses, densities and intensities as described in the development permit or building permit; and

b. For road facilities assigned to the development for the specific uses, densities and intensities as described in the development permit or building permit; and

c. Conditions of approval, if applicable; and

d. An effective date; and

e. An expiration date.

6. "*Concurrency*" means facilities or strategies that achieve the City's level of service standards and that:

a. For water, sewer, surface water, and roads: facilities that exist at the time development is approved by the Public Works Department; or

b. For roads:

(1) Are included in the City's Capital Improvement Plan at the time development is approved by the Public Works Department; or

(2) Will be available and complete no later than six years after completion of the development, and the applicant and/or the City provides a financial commitment which is in place at the time the development is approved by the Public Works Department.

7. *"Concurrency facilities"* means facilities for which concurrency is required in accordance with the provision of this chapter. They are roads, water, sanitary sewer, and surface water facilities.

8. *"Concurrency test"* means:

a. For water, sewer, and surface water, the comparison of a development's demand to the available capacity of each concurrency facility; and

b. For roads, the comparison of the development's impact on the level of service standards of each effected subarea.

A concurrency test must be passed for water, sewer, surface water, and roads, and a notice issued by the Public Works Department in order to obtain a certificate of concurrency. The concurrency test notice shall be valid for one year.

9. *"Development permit"* means a land use permit and includes short plat, preliminary or final rezone/reclassification, zoning permit, master plan, shoreline substantial development permit/conditional use permit, planned unit development, or any other permit or approval under the Zoning Code or Subdivision Code or Shoreline Master Program.

10. *"Financial commitment"* means:

a. Revenue sources anticipated to be available and designated for facilities in the Comprehensive Plan;

b. Unanticipated revenue from federal and state grants for which the City has received notice of approval;

c. Funding that is assured by the applicant in a form approved by the Public Works Department.

11. *"Level of service standard"* means those standards specified in the adopted transportation element of the Comprehensive Plan. For water, sewer, and surface water, "level of service standard" also means those standards defined in TMC Title 14.

12. *"Non-City managed facilities"* include any non-city provider of water or sewer.

13. *"Planned capacity"* means road facilities that do not exist but for which the necessary facility construction, expansion, or modification project is contained in the current capital facilities element of the Comprehensive Plan. The improvements must be scheduled to be completed within six years and the financial commitment must be in place at the time of approval of the certificate of concurrency to complete the improvements within six years.

14. *"Public Works Department"* means the Public Works Director or his/her designee will perform the concurrency test.

15. *"Transportation strategies"* means transportation demand management strategies and other techniques or programs that reduce single occupant vehicle travel.

16. *"Vested"* means the right to develop or continue development in accordance with the laws, rules, and other regulations in effect at the time the building permit application is deemed complete.

(Ord. 2110 §2, 2005)

9.50.030 Concurrency Test

A. *Timing.* All applicants must apply for the concurrency test and receive notice of passing the test before the City will consider an application for any development permit or building permit to be complete.

B. *Procedures.*

1. Applications for concurrency shall be submitted on forms provided by the Public Works Department. The concurrency test shall be done in order of "first in, first out," once the Public Works Department determines the application is complete.

2. The applicant shall be responsible to provide to the Public Works Department a certificate of availability for water and sewer with the concurrency application submittal if the property is serviced by a non-City managed utility.

3. The applicant shall submit a detailed project description of the development, including location, vehicular circulation, and gross floor area by use, as part of the concurrency application and concurrency test fee as adopted by motion or resolution of the Tukwila City Council.

4. A concurrency test shall be performed only for specific property, uses, densities and intensities based on the information provided by the applicant. The applicant shall specify densities and intensities that are consistent with the uses allowed for the property. If the concurrency test is being requested in conjunction with an application for rezone, the applicant shall specify densities and intensities that are consistent with the proposed zoning for the property. Changes to the uses, densities and intensities that create additional impacts on concurrency facilities shall be subject to an additional concurrency test.

5. The Public Works Director or his designee shall perform the concurrency test. The project must receive a passing grade prior to approval of the development permit or building permit.

6. The Public Works Director or his designees shall notify the applicant of the test results in writing and shall notify other City departments of the test results. The date of written notification to the applicant shall be the date of issuance of the concurrency test notice.

7. The concurrency test notice shall expire within 90 calendar days of its issuance unless the applicant submits a SEPA environmental checklist and all required documentation pursuant to TMC 21.04, together with the site plan, the traffic impact analysis prepared in accordance with the City's traffic impact analysis guidelines and containing the traffic information derived from the concurrency test outcome, and the SEPA review fee. No extensions may be granted for submittal of a complete SEPA environmental checklist and all required documentation.

8. If the deadline for submittal of a complete SEPA environmental checklist and all required documentation is met as described in TMC 9.50.030.B.7, the concurrency test notice shall be valid for one year from the date of issuance of the concurrency test notice.

9. The concurrency test notice shall expire unless a certificate of concurrency is issued or an extension of the notice is granted within one year from the date of issuance of the concurrency test notice.

10. An applicant must apply for a new concurrency test if the notice expires or an extension is not granted.

11. The Public Works Director may approve an extension of up to one year if:

a. The applicant submits a letter in writing requesting the extension before the expiration date. The applicant must show that he/she is not responsible for the delay in issuing the certificate of concurrency, and has acted in good faith to obtain a certificate; and

b. If the property is serviced by a non-City managed utility, then the applicant must submit a letter from the utility approving the extension before the expiration date.

12. Once the associated development permit or building permit is approved, the Public Works Department shall issue a final certificate of concurrency. The concurrency certificate is valid for a period of 2 years or as long as the developer possesses a valid building permit for the development.

13. The Public Works Department shall be responsible for accumulating the impacts created by each application and removing any impacts from the City's concurrency records for an expired concurrency test notice, an expired development permit or building permit, a discontinued certificate or other action resulting in an applicant no longer causing impacts which have been accounted for in the City records.

14. The Public Works Department shall be responsible to coordinate with applicable non-City managed utility operators for maintenance and monitoring of available and planned capacity for these utilities.

15. A certificate of concurrency shall apply only to the specific land use, density and intensity described in the application for a development permit or building permit. No development shall be required to obtain more than one certificate of concurrency for each building, unless the applicant or subsequent owner proposes changes or modifications to the property location, density, intensity, or land use that creates additional impacts on concurrency facilities.

16. A certificate of concurrency is not transferable to other land, but may be transferred to new owners of the original land.

(Ord. 2155 §1, 2007; Ord. 2110 §3, 2005)

9.50.040 Test Criteria

Development applications that would result in a level of service reduction below the established standard shall not be approved. For potable water and sanitary sewer, available system capacity will be used in conducting the concurrency test. For surface water, the water quality, amount of detention needed, and the system's conveyance capacity will be used in conducting the concurrency test.

1. For water, sanitary sewer, and the surface water conveyance system, if the capacity of the concurrency facilities with the development application added is equal to or better than the capacity required to maintain the established level of service standard, then the concurrency test is passed. In addition for surface water, the water quality and detention standards described in the 1998 King County Surface Water Design Manual must be met.

2. For roads, the concurrency test compares level of service at intersections or corridors, as defined in the transportation element, both with and without the development at a time 6 years after the estimated occupancy of the development. If the level of service is equal to or better than the level of service standard, the concurrency test is passed.

3. If the concurrency test is not passed for water, sewer, surface water, or roads, then the applicant may retest for concurrency after doing one or both of the following:

a. Modifying the application to reduce the need for the non-existent concurrency facilities. Reduction of need can be through the reduction of the size of the development, reduction of trips generated by original proposed development, or phasing of the development to match future concurrency facility construction; or

b. Arranging to fund the improvements for the additional capacity required for the concurrency facilities, as approved by the Public Works Director.

(Ord. 2110 §4, 2005)

9.50.050 Concurrency for Phased Development

A. An applicant may request concurrency for a phased development if the Public Works Director determines that the two criteria described in TMC 9.50.050B are met. The application for concurrency must be accompanied by a schedule for construction of the buildings, parking and other improvements and by a written request for the development to be considered in phases.

B. The Public Works Director or his designee may approve concurrency for phased development if both of the following criteria are met:

1. No associated development permit is required before building permit applications can be submitted; and

2. The application is for an integrated development site plan with multiple buildings that are interdependent for vehicular and pedestrian access and parking.

C. A concurrency application for phased development shall follow the same timing and procedure as set forth in this chapter, except that:

1. Only one concurrency test notice shall be issued for all buildings proposed for phased development;

2. Each building approved for phased development shall be issued a certificate of concurrency at the same time as the building permit;

3. The concurrency test notice for an approved phased development shall be valid for five years from the date of its issuance; provided that a certificate of concurrency is issued for a building within one year of the date of issuance of the concurrency test notice or within two years if an extension is timely requested and the request is granted.

D. The Public Works Director or his designee may approve an extension of up to one year for obtaining the first certificate of concurrency and the final certificate of concurrency for the phased development, consistent with the terms of this chapter.

E. In no case shall the concurrency test notice be valid for more than six years from the date of issuance of the notice. The applicant must apply for a new concurrency test for any building approved for phased development that has not been issued a building permit within six years from the date of issuance of the concurrency test notice.

(Ord. 2110 §5, 2005)

9.50.060 Public Notice of Concurrency Test

A. The Public Works Director or his designee shall cause notice of issuance of the concurrency test notice to be given in the same manner and at the same time as the SEPA public notice of TMC 21.04.

B. The notice shall include the name of the applicant, the City file number, the address and description of the development and the procedures for filing an appeal.

(Ord. 2110 §6, 2005)

9.50.070 Exemptions

The requirement for a concurrency test shall not apply to single-family dwelling unit building permits, multi-family building permits for projects containing four or fewer units, short plats, or any non-residential project that is categorically exempt from SEPA pursuant to TMC 21.04.080, .100, or .110. The Public Works Department shall also waive compliance for a traffic concurrency test for other projects which will not generate more than 30 net new "p.m. peak hour" traffic trips.

(Ord. 2110 §7, 2005)

9.50.080 Vesting

Applicants shall be vested under the laws, rules and other regulations in effect prior to the effective date of this chapter if they have, prior to the effective date of the ordinance codified in this chapter:

1. Submitted a building permit application that the City has deemed complete; or

2. Entered into formal negotiations with the City for a development agreement in accordance with RCW 36.70B.170 through 36.70B.210; or

3. Have a signed agreement with the City that is still in effect.

(Ord. 2110 §8, 2005)

9.50.090 Improvements to Concurrency Facilities

A. The City shall provide, or arrange for others to provide, adequate facilities through construction of needed capital improvements in implementing strategies which do the following:

1. Achieve level of service standards for anticipated future development and redevelopment caused by previously issued and new development and building permits; and

2. Repair or replace obsolete or deteriorating facilities.

B. Improvements to the facilities shall be consistent with the transportation element, utilities element and Capital Improvement Program of the Comprehensive Plan.

(Ord. 2110 §9, 2005)

9.50.100 Capital Facilities Plan and Capital Improvement Program

The City shall include in the capital appropriations of its budget for expenditure during the appropriate fiscal year financial commitments for all capital improvement projects required for level of service standards, except the City may omit from its budget any capital improvements for which a binding agreement has been executed with another party to provide the same project in the same fiscal year.

(Ord. 2110 §10, 2005)

9.50.110 Intergovernmental Coordination

A. The City may enter into agreements with other local governments, applicable non-City managed utilities, King County, the state of Washington, and other facility providers to coordinate the imposition of level of service standards and other mitigations for concurrency.

B. The City may apply standards and mitigations to development in the City that impacts other local jurisdictions. The City may agree to accept and implement conditions and mitigations that are imposed by other jurisdictions on development in their jurisdiction that impact the City.

(Ord. 2110 §11, 2005)

9.50.120 Administrative Rules and Procedures

The Public Works Department shall be authorized to establish administrative rules and procedures for administering the concurrency test system. The administrative rules and procedures shall include but not be limited to application forms, necessary submittal information, processing times, and issuance of the concurrency test notice and the certificate of concurrency.

(Ord. 2110 §12, 2005)

9.50.130 Appeals

A. Procedures. The applicant may appeal the results of the concurrency test based on three grounds:

1. a Technical error;
 2. the applicant provided alternative data or a traffic mitigation plan that was rejected by the City; or
 3. delay in review and approval caused solely by the City that allowed capacity to be given to another applicant.
- The applicant must file a notice of appeal with the Public Works Department within 15 days of the notification of the test results. The notice of appeal must specify the grounds thereof, and must be submitted on the form authorized by the Public Works Department. Each appeal must be submitted with the appeal fee set forth in TMC 18.108.020.

B. Hearing Schedule and Notification. When the appeal has been filed within the time prescribed, in proper form, with the appropriate data and payment of the required fee, the Public Works Department shall transmit the appeal to the hearing examiner for scheduling. Notice of the public hearing shall be given to the applicant at least 15 days prior to the hearing date.

C. Record. The Public Works Department shall transmit to the Hearing Examiner all papers, calculations, plans and other materials constituting the record of the concurrency test, at least 7 days prior to the scheduled hearing date. The Examiner shall consider the appeal upon the record transmitted, supplemented by any additional competent evidence, which the parties in interest may desire to submit.

D. Burden of Proof. The burden of proof shall be on the appellant to show by a preponderance of the evidence that the Public Works Director was in error.

(Ord. 2110 §13, 2005)

9.50.140 SEPA Exemption

A determination of concurrency shall be an administrative action of the City of Tukwila that is categorically exempt from the State Environmental Policy Act.

(Ord. 2110 §14, 2005)

Figure 9-1

Traffic Impact Fee Schedule 2007

Land Uses	Unit of Measure	Zone 1	Zone 2	Zone 3	Zone 4
Cost per Trip All Other Uses					
		\$1,736.80	\$1,357.77	\$1,061.20	\$819.38
Residential					
Single Family	dwelling	\$1,659.35	\$1,297.22	\$1,013.88	\$782.84
Multi Family	dwelling	\$712.09	\$556.69	\$435.09	\$335.95
Retirement Community	dwelling	\$722.89	\$565.13	\$441.69	\$341.04
Nursing Home/Convalescent Center	bed	\$289.15	\$226.05	\$176.68	\$136.42
Assisted Living	dwelling	\$289.15	\$226.05	\$176.68	\$136.42
Commercial - Services					
Drive-in Bank	sq ft/GFA	\$23.14	\$18.09	\$14.14	\$10.92
Walk-in Bank	sq ft/GFA	\$18.67	\$14.60	\$11.41	\$8.81
Day Care Center	sq ft/GFA	\$9.28	\$7.25	\$5.67	\$4.38
Library	sq ft/GFA	\$4.24	\$3.32	\$2.59	\$2.00
Post Office	sq ft/GFA	\$6.46	\$5.05	\$3.95	\$3.05
Hotel/Motel	room	\$1,107.80	\$866.04	\$676.87	\$522.63
Service Station	VFP	\$3,203.13	\$2,504.10	\$1,957.14	\$1,511.17
Service Station/Minimart	VFP	\$3,203.13	\$2,504.10	\$1,957.14	\$1,511.17
Service Station/Minimart/Car Wash	VFP	\$3,203.13	\$2,504.10	\$1,957.14	\$1,511.17
Carwash (Self-Serve)	stall	\$2,826.58	\$2,209.72	\$1,727.06	\$1,333.51
Movie Theater	screen	\$64.24	\$50.22	\$39.25	\$30.31
Health Club	sq ft/GFA	\$4.42	\$3.46	\$2.70	\$2.09
Racquet Club	sq ft/GFA	\$1.99	\$1.56	\$1.22	\$0.94
Marina	berth	\$247.38	\$193.39	\$151.15	\$116.71
Commercial - Institutional					
Elementary School/Jr. High School	student	\$195.27	\$152.66	\$119.31	\$92.13
High School	student	\$131.43	\$102.75	\$80.31	\$62.01
University/College	student	\$267.56	\$209.17	\$163.48	\$126.23
Church	sq ft/GFA	\$1.15	\$0.90	\$0.70	\$0.54
Hospital	sq ft/GFA	\$2.22	\$1.73	\$1.35	\$1.05
Commercial - Restaurant					
Restaurant	sq ft/GFA	\$9.56	\$7.48	\$5.84	\$4.51
Fast Food Restaurant w/o drive-through	sq ft/GFA	\$12.27	\$9.60	\$7.50	\$5.79
Fast Food Restaurant w/drive-through	sq ft/GFA	\$16.26	\$12.71	\$9.94	\$7.67
Industrial					
Light Industry/High Technology	sq ft/GFA	\$2.06	\$1.61	\$1.26	\$0.97
Industrial Park	sq ft/GFA	\$2.06	\$1.61	\$1.26	\$0.97
Warehousing/Storage	sq ft/GFA	\$1.15	\$0.90	\$0.70	\$0.54
Mini Warehouse	sq ft/GFA	\$0.50	\$0.39	\$0.31	\$0.24

GLA= Gross Leasable Area

GFA= Gross Floor Area

VFP= Vehicle Fueling Positions (Maximum number of vehicles that can be fueled simultaneously)

Figure 9-1

Traffic Impact Fee Schedule 2007

Land Uses	Unit of Measure	Zone 1	Zone 2	Zone 3	Zone 4
Cost per Trip All Other Uses		\$1,736.80	\$1,357.77	\$1,061.20	\$819.38
Commercial - Retail					
Shopping Center:					
up to 9,999 sq ft	sq ft/GLA	\$4.18	\$3.27	\$2.55	\$1.97
10,000 sq ft-49,999 sq ft	sq ft/GLA	\$3.51	\$2.75	\$2.15	\$1.66
50,000 sq ft-99,999 sq ft	sq ft/GLA	\$3.03	\$2.37	\$1.85	\$1.43
100,000 sq ft-199,999 sq ft	sq ft/GLA	\$2.61	\$2.04	\$1.59	\$1.23
200,000 sq ft-299,999 sq ft	sq ft/GLA	\$2.38	\$1.86	\$1.45	\$1.12
300,000 sq ft-399,999 sq ft	sq ft/GLA	\$2.82	\$2.21	\$1.72	\$1.33
over 400,000 sq ft	sq ft/GLA	\$3.17	\$2.48	\$1.94	\$1.49
Miscellaneous Retail Sales	sq ft/GFA	\$3.17	\$2.48	\$1.94	\$1.49
Supermarket	sq ft/GFA	\$7.73	\$6.04	\$4.72	\$3.64
Convenience Market	sq ft/GFA	\$14.39	\$11.25	\$8.79	\$6.79
Nursery/Garden Center	sq ft/GFA	\$2.62	\$2.05	\$1.60	\$1.24
Furniture Store	sq ft/GFA	\$0.22	\$0.17	\$0.13	\$0.10
Car Sales - New/Used	sq ft/GFA	\$4.56	\$3.57	\$2.79	\$2.15
Auto Care Center	sq ft/GLA	\$2.62	\$2.05	\$1.60	\$1.24
Quick Lubrication Vehicle Shop	Service Bay	\$2,899.10	\$2,266.42	\$1,771.37	\$1,367.73
Auto Parts Sales	sq ft/GFA	\$3.34	\$2.61	\$2.04	\$1.58
Pharmacy (with drive-through)	sq ft/GFA	\$3.44	\$2.69	\$2.10	\$1.62
Pharmacy (without drive-through)	sq ft/GFA	\$3.36	\$2.63	\$2.05	\$1.58
Free-Standing Discount Store	sq ft/GFA	\$3.13	\$2.44	\$1.91	\$1.47
Hardware/Paint Store	sq ft/GFA	\$2.66	\$2.08	\$1.62	\$1.25
Discount Club	sq ft/GFA	\$3.13	\$2.44	\$1.91	\$1.47
Video Rental	sq ft/GFA	\$4.88	\$3.82	\$2.98	\$2.30
Home Improvement Superstore	sq ft/GFA	\$1.33	\$1.04	\$0.81	\$0.63
Tire Store	Service Bay	\$1,938.32	\$1,515.31	\$1,184.33	\$914.45
Electronics Superstore	sq ft/GFA	\$3.11	\$2.43	\$1.90	\$1.46
Commercial - Office					
Administrative Office:					
up to 9,999 sq ft	sq ft/GFA	\$8.10	\$6.33	\$4.95	\$3.82
10,000 sq ft-49,999 sq ft	sq ft/GFA	\$8.10	\$6.33	\$4.95	\$3.82
50,000 sq ft-99,999 sq ft	sq ft/GFA	\$4.70	\$3.67	\$2.87	\$2.22
100,000 sq ft-199,999 sq ft	sq ft/GFA	\$3.56	\$2.78	\$2.17	\$1.68
200,000 sq ft-299,999 sq ft	sq ft/GFA	\$3.10	\$2.43	\$1.90	\$1.46
over 300,000 sq ft	sq ft/GFA	\$2.91	\$2.27	\$1.78	\$1.37
Medical Office/Clinic	sq ft/GFA	\$6.29	\$4.91	\$3.84	\$2.97

GLA= Gross Leasable Area

GFA= Gross Floor Area

VFP= Vehicle Fueling Positions (Maximum number of vehicles that can be fueled simultaneously)